

COUNCIL MEETING

MARCH 13, 2013

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, March 13, 2013 at 9:26 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

APPROVAL OF AGENDA.

Mr. Bynum moved for approval of the agenda as circulated, seconded by Ms. Yukimura, and unanimously carried.

MINUTES of the following meetings of the Council:

January 17, 2013 Council Meeting
January 30, 2013 Council Meeting
February 20, 2013 Special Council Meeting

Ms. Yukimura: Mr. Chair?

Chair Furfaro: Yes, Councilmember Yukimura.

Ms. Yukimura: I have to ask the indulgence of the Council and the Staff because I am still reviewing the minutes of January 30th. It is one hundred (100) pages long. I want to ask for one more deferral and then after that, I am sure I will be able to finish it by the next meeting.

Chair Furfaro: Okay.

Mr. Bynum moved to defer Minutes of the January 30, 2013 Council Meeting as circulated, seconded by Ms. Yukimura.

Chair Furfaro: I would like to have a vote on the deferral as made by Mr. Bynum at the request Councilwoman Yukimura to defer for two (2) additional weeks. Is that correct?

Ms. Yukimura: Yes.

Chair Furfaro: Thank you.

The motion to defer Minutes of the January 30, 2013 Council Meeting as circulated was then put, and unanimously carried.

Chair Furfaro: To the Clerk's Office, please note that the Minutes of January 30th will be deferred for two (2) weeks.

Mr. Kagawa moved to approve the Minutes of the January 17, 2013 Council Meeting and Minutes of the February 20, 2013 Special Council Meeting as circulated, seconded by Mr. Rapozo, and unanimously carried.

CONSENT CALENDAR:

C 2013-94 Communication (02/13/2013) from the Director of Finance, transmitting for Council consideration, a Proposed Draft Bill to Amend Ordinance No. B-2012-736, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2012 through June 30, 2013, by revising the amounts estimated in the General Fund and the Solid Waste Fund: Mr. Rapozo moved to receive C 2013-94 for the record, seconded by Ms. Yukimura, and unanimously carried.

C 2013-95 Communication (02/14/2013) from the Planning Director, transmitting the Planning Commission's recommendation to amend the General Plan designation of 38.448 acres of land located in Puhi, Lihu'e, Kaua'i, (TMK: (4) 3-8-002:016) from "Agriculture District" to "Urban Center District." (Island School, Applicant) (Applicant's petition, Director's report, Exhibit A, B, C, and Summary transcripts of public hearing on file in the County Clerk's Office.): Mr. Rapozo moved to receive C 2013-95 for the record, seconded by Ms. Yukimura, and unanimously carried.

C 2013-96 Communication (02/26/2013) from Council Chair Furfaro, providing written disclosure of a possible conflict of interest and recusal, relating to Agenda Item ES-602 from the February 27, 2013 Council Meeting, regarding a claim filed on his behalf against the County: Mr. Rapozo moved to receive C 2013-96 for the record, seconded by Ms. Yukimura, and unanimously carried.

C 2013-97 Communication (02/26/2013) from Councilmember Hooser, transmitting for Council consideration, a Resolution supporting a Community Based Planning Process for the Coco Palms Property and the Grant In Aid request pending before the Hawai'i State Legislature: Mr. Rapozo moved to receive C 2013-97 for the record, seconded by Ms. Yukimura, and unanimously carried.

C 2013-98 Communication (02/26/2013) from Councilmember Yukimura, transmitting for Council consideration, a Proposed Draft Bill Amending Section 23-3.7 of the Kaua'i County Code 1987, as amended, Relating to Concessions at Spouting Horn, Parks and Recreation Improvement and Maintenance Revolving Fund: Mr. Rapozo moved to receive C 2013-98 for the record, seconded by Ms. Yukimura, and unanimously carried.

Chair Furfaro: These items are on the posting for the purpose of having discussion early on in the meeting. Anyone who wishes to speak on these items will be given three (3) minutes. There will be no questions and answers from the Council, but it will allow you scheduled time to give testimony on the consent items. Is there anyone in the audience who wishes to testify? Mr. Mickens. Please refer us to the item you want to testify on.

GLENN MICKENS: Thank you, Jay. It is Bill No. 2465. That is not on the consent calendar, but...

Chair Furfaro: Excuse me, Glenn. I do the consent calendar first, and then I come back for any other items.

Mr. Mickens: Okay.

Chair Furfaro: You will have to just wait a few minutes. You can wait right there if you want.

Mr. Mickens: Okay.

Chair Furfaro: Glenn, the item that you wish to speak on is which again?

Mr. Mickens: Bill No. 2465.

Chair Furfaro: Is that for public hearing?

Mr. Mickens: Yes, Jay, but there is a ball game today, and I did not know if it would finish in time for me to get to...

Chair Furfaro: Who are the Dodgers playing?

Mr. Mickens: No, it is Kaua'i Interscholastic Federation (KIF).

Chair Furfaro: Okay.

Mr. Mickens: It is Ross' team against Kapa'a.

Chair Furfaro: I thought you were in preseason mode already. I am going to make an exception to the rule. Go ahead and give testimony on what is scheduled as a public hearing.

Mr. Mickens: Thank you very much, Jay. I want to say upfront that my friend Walter Lewis helped me with my testimony so some of this is his language, as well as mine. Bill No. 2465 is a shameful, legislative effort to use multi-modal transportation concepts that do not have public recognition to impose requirements that would basically alter the predominantly rural character of Kaua'i, which has broad citizen favor. The principle provisions in the Bill consists of a provision that requires a street design to accommodate multi-modal concepts and a provision that would, with certain exceptions for both present, and proposed streets in residential districts having density zoning at four (4) or more units per acre require curbs, gutters, and sidewalks. The findings and purpose section of the Bill contained in three (3) paragraphs has stated justification for the amendment sought. The first paragraph suggests that the Bill's application may only be to future subdivisions, but it is inconsistent with subsection 3 of 9-2.3(e) of the Kaua'i County Code, which contemplates that the requirement relates to existing streets, as well as proposed. The second paragraph refers to Resolution No. 2010-48, which should speak for itself. The last paragraph relates only to town centers and public facilities, and does not address the enactment sought. The Multi-Modal

Transportation Plan, recently enacted by the Council, expresses a future goal, which has not had adequate public attention to encourage transportation other than private motor vehicles. Like all plans to legislate human behavior, success is dubious. To mandate current changes based on expectations would be unjustified. There is no concept held by Kaua'i citizens that is stronger than the desire to retain in our communities the basically rural nature of our island. The concept would be comprised by any requirements that residential areas should include sidewalks, curbs, and gutters. These are the hallmarks of urban and commercial areas. I urge that the Bill be deferred until the concepts it contains can be considered in the context of the contemplated new County General Plan. Only then after appropriate attention and public attention to our County's future, can there be well-considered implementation of such ideas set forth in the Bill as received citizen endorsements. I know you cannot comment on it, Jay, but...

Chair Furfaro: Do you have written testimony? We will take it in and record it as such.

Mr. Mickens: Yes.

Chair Furfaro: For you and Mr. Lewis.

Mr. Mickens: Yes, I appreciate that very much. Thank you, Jay.

Chair Furfaro: Enjoy your ball game. Members, I passed out what I have set up for the order of the day for March 13th. I want to make some quick comments on that. For our first item today, we will be taking item C 2013-100, referencing the State Nutrition and Physical Activities Coalition. That will be the first piece of business. Secondly, I have asked Mr. Dill to be here because the Engineering Department has made a request to defer two (2) items today, both C 2013-101 and Resolution No. 2012-55. There may be questions on the Resolution, so I am going to take those second, and honor Mr. Dill's request for a deferral. Also, the Deputy County Attorney who has been assigned to today's Executive Sessions has fallen ill, and we will defer today's Executive Session. Then we will return to the regular agenda as such. You should all have a summary of what I have just said. Go right ahead, Mr. Kagawa.

Mr. Kagawa: I noticed you skipped C 2013-99 for Diane Zachary.

Chair Furfaro: No, she is not in a specified agenda time.

Mr. Kagawa: Okay.

Chair Furfaro: We are going to start with the nutrition program, and then go into the regular order.

Mr. Kagawa: Okay.

Chair Furfaro: Thank you for the point.

Mr. Kagawa: She is here, I think.

Chair Furfaro: Understood, and so are a lot of other people but do you have people from Honolulu here that we need to be here in a time? No, okay. So we will wait its regular turn for that matter. Thank you. Now, can I ask the Clerk to read the first item on the agenda?

There being no objections, C 2013-100 was taken out of order.

COMMUNICATIONS:

C 2013-100 Communication (01/11/2013) from Council Chair Furfaro, requesting the presence of the State Nutrition & Physical Activity Coalition of Kaua'i County to provide a briefing on the State Physical Activity and Nutrition (PAN) Plan: Mr. Rapozo moved to receive C 2013-100, seconded by Mr. Hooser.

Chair Furfaro: On that note, may I ask Bev Brody and others to come up. I will suspend the rules as you give us the overview. Can I ask you both to introduce yourselves?

There being no objections, the rules were suspended.

JODI DRISKO, Chair for Get Fit Kaua'i: Good morning. Thank you for having us. I am Jodi Drisko. I am the Chair for Get Fit Kaua'i, but also wearing the hat for today, I am a consultant writing the State Physical Activity and Nutrition (PAN) Plan for the State Department of Health (DOH) in Honolulu.

BEV BRODY, Director of Get Fit Kaua'i: Good morning, my name is Bev Brody, and I am the Director of Get Fit Kaua'i, which is the Nutrition and Physical Activity Coalition for Kaua'i County.

Ms. Drisko: Thank you for inviting us to come and talk about this.

Chair Furfaro: Excuse me for just a moment, Vice Chair, I am going to sit in the audience to see the screen, and could you take over the meeting until I get back.

Ms. Nakamura: Sure.

Chair Furfaro: Thank you very much.

Ms. Drisko: I will try and go through this fairly quickly. We have been in the planning process already for a year, and hopefully, we are getting to the completion. Why do we do that PAN plan for the State? PAN is what we refer to as "Physical Activity and Nutrition." One of the main reasons we do it is because Centers for Disease Control and Prevention (CDC), our funder, says we have to. Of course, as a deliverable for our grant, we do that, but that is not the only reason. We really do it because it is the best practice and it allows us to set common priorities across the State for Hawai'i. It is our plan created by people in Hawai'i. It will help us guide our collective work into the future and also align us with what is going on nationally, so we can integrate those aspects as well. I just want to give you a brief context of our past, present, and future so you know why we are doing what we are doing. In the past, this is not the first PAN plan. The first one was actually done for a 2007 to 2012 plan, when we, at the State Health Department, got the first Obesity Prevention Grant. That worked in the four (4)

sectors of community, worksites, schools, and health care, and then a few years later, they came up with a supplement, that covered breast-feeding, screen time, which is television and computer, really sedentary behavior, sugar-sweetened beverages, and energy dense foods. There were two (2) different plans with lots of different goals and objectives that the Counties could work on and the State as a whole. One of the greatest successes statewide, has really been all the work that Get Fit Kaua'i has done through the four (4) task forces of Access to Healthy Foods, Built Environment, Safe Routes to School, and Worksite Wellness. I really have to credit Bev Brody here, the leader of Get Fit Kaua'i for doing an amazing job and really changing the way we all think about a lot of things.

Ms. Brody:

Thank you.

Ms. Drisko: Currently, we are updating the plan and I think we were invited here to talk about it, because the people from the State Health Department have a very robust list of stakeholders, and I believe some of you, and I know Council Chair Furfaro received that E-mail about participating in revising the plan and providing comments. He then asked the people at the Department of Health (DOH) in Honolulu, if we would come and give a presentation on what all of this is about. We are really doing a huge revision and updating the plan, incorporating our lessons learned from the past, which I explained, and building on our successes that we have had, and making improvements from the places where we fell a little short, and incorporating recommendations from the State Obesity Task Force that has been meeting six (6) to eight (8) months. They are really focusing on the State level policy but obviously State level policy is very important as well. We want to incorporate that, so there are not a bunch of disparate plans, but we see multiple plans coming together. Then, the very important step of gathering input from lots of stakeholders statewide. We do not want a Honolulu-centric plan. The sectors for this plan are very similar to the ones before, and we have a Chair and Vice Chair. Most of the islands are represented here, so with community, design, and access, and then there is the educational systems, health care systems, and work site industry and business is our fourth sector. All of these people are really experts in the field and have done a lot of work.

Our focus for all of our priorities and strategies in the plan are policy systems and environmental change, and just so we are all on the same page, because in public health, we like our little public health speech that does not make sense to anyone outside of public health often. I am just going to quickly go through what policy systems, environmental change are, just so we all know what we are talking about, when we say that. So for policy, I think you guys probably know policy better than anyone, but sometimes we refer to laws, ordinances, and regulations as "big P Policy, State/County policy," but there is also the very important, of what I will refer to as "little p" policy or organizational policies, which is also very important. In the past through Get Fit Kaua'i, we have done some work site wellness activities and we have asked businesses to concentrate on organizational policies that they can make. One (1) example is Kaua'i Community College, even though it seems tangential to Physical Activity and Nutrition, they had a smoking ban. For Wilcox Hospital, one of their policy changes was incorporating healthier foods into their cafeteria foods and some labeling. Those organizational policies are also very important.

System level changes are really broader systems, interventions, and organizations that change behaviors. Examples of this are those wellness teams, Electronic Benefit Transfer (EBT) at Farmer's Markets that we have going here on

Kaua'i, and Safe Routes to School. Those are big system changes that are multi-components, but really change the way things are going, and then the all important environmental changes, which involve the physical built environment, economic, or social environment as well. This could be sidewalks, paths, just building new Farmer's Markets; those kind of real structural elements.

For the objectives that are going to be in the plan, we made three (3) filters that every objective has to go through to be included. It has to be a policy systems environmental change. There needs to be the ability to implement it, whether there are resources, political will, or people already working on it, and it needs to be measurable so that we have accountability and can show that it actually made a difference and a change. I will just briefly go over the planning process, and like I said, it has already been almost a year, but we had our first sector Chair/Vice Chair meeting in August, and they have developed a first draft of objectives there. We sent it out for larger community input when some of you may have actually gotten an E-mail about, "Do you want to join a sector to provide more robust feedback?" About ninety-eight (98) people joined one (1) or more of the four (4) sectors and they provided great comments. We revised objectives and I think at that point, we were at about twenty (20) objectives, and after comments we revised and came out with twenty-two (22), and then just recently, out to one thousand (1,000) people, more comments, and we are in the process of doing final revisions now, and our chairs and vice chairs are reviewing them next week. We are hoping to finalize and then the new plan, which the objectives are just part of the plan, but the new plan will be unveiled at the Physical Activity and Nutrition Summit on May 23rd and 24th in Honolulu. You are all invited to attend and we can make sure that you are on the mailing list, if you would like to come. I think our Mayor is doing one of the keynotes. Is that right?

Ms. Brody:

Yes.

Ms. Drisko: We want to form the task forces by sector, and at the PAN Summit, people will actually be able to join one (1) or more sectors and start to actually work on an implementation plan for some of these objectives. I am speaking broadly. Some of these objectives in the four (4) sectors, and just to give you a quick preview, schools/Council does not have a lot of impact on policy and environmental change in schools or work sites or health care, but you do in community design. You have great influence here, and we have a lot of interesting objectives around community design. I thought I would give you a quick preview. You could be one of the first ones seeing this, because the plan is still in draft, so it may change a little. The first one is the State level policy of allocating a minimum of ten percent (10%) of Federal State Highway Funds to implement Complete Streets principles, bike and pedestrian plans, greenbelt trail systems, and Safe Routes to School programs. It will really help us to be able to implement those if the funding that should be allocated to that is allocated. The other is to implement State and County-level Complete Streets policies. Kaua'i has probably been the most successful in the State. Our measurement issue here is revising necessary zoning codes. Kaua'i is already doing that. Also for updating roadway design standards; already doing that, and for development of implementation plans; done. For the development, adoption, and tracking of performance measures, the environmental task force has created those to monitor the implementation of Complete Street over time. As far as Kaua'i is concerned, we are pretty much done with number three (3), but the rest of the State has quite a ways to go. We are not done by any means. The implementation part, we have the plan part down. The implementation part, we have a long way to go. Then Objective Four, the State and

each County will have a plan to include physical activity priorities when determining building design, location, and land use planning transportation decisions. There is a wonderful planner in the Planning Department named Marie Williams, who has devised a draft of like a Complete Streets checklist already that would be very similar to this. Once again, Kaua'i is leading the way and has some really good plans going.

Another objective is to increase by ten percent (10%) of the percentage of people who use active transportation, and that would be for many things like bike share program, which they are doing in Honolulu and they want to expand; public transit, our bus system, transit-oriented development, Safe Routes to School, Work and Recreation. We are really trying to get more people moving for transportation, and these are related to nutrition. Increased to eighty percent (80%) and this is statewide, of the number of Farmer's Markets that have Supplemental Nutrition Assistance Program (SNAP)/EBT transaction. We have had some good luck on Kaua'i. For the Big Island, their Hilo Farmer's Market has been doing this for what...almost twenty (20) years. It is really amazing and they have really met the need and we are as well, for SNAP consumers to be able to have access to fresh fruits and vegetables, and help our farmers make more money as well. We want to pass at least two (2) statewide policies to increase access to healthy food and decrease access to unhealthy food, and they are talking about trying to get the General Excise Tax (GET) removed on fruits and vegetables. I am sure you have all heard of the "proposed sugar-sweetened beverage tax" that is going through the Legislature now.

Ms. Brody: It just died.

Ms. Drisko: Oh, it just died? Okay. They may try again.

Ms. Brody: Yes.

Ms. Drisko: Lastly, in this section is for each County to define and identify healthy food access issues, develop strategies, and to address them. In Get Fit Kaua'i we just started exploring the possibility of how to do a food policy council. Food policy councils are gaining strength nationwide to address food access issues, especially for disparate populations. I know I went through that fast, but I did not want to take too much of your time, and we really appreciate you inviting us here to give you an update on where we are at and obviously Get Fit Kaua'i will then, as part of their contract will need to mirror some of these same strategies at the County level.

Ms. Brody: We are going to do a great job.

Ms. Nakamura: Are there any questions or comments?
Councilmember Yukimura.

Ms. Yukimura: Yes, thank you very much for the presentation. It was very educational and I want to thank the Chair for inviting you to speak. I want to second your acknowledgement, Jodi, of Bev Brody for her leadership because she really has been the key to the changes that have begun to be made on the island. My question is...I really appreciated the slide entitled "PSE Change" on page four (4) of the handout where you defined what policy system and environmental changes are. That is very helpful to me. I am part of a Central District Drug Prevention Committee, and that is one of the aspects that we are

looking at for encouraging young people and families to make the choice to be drug free. It helped me there, but regarding your PAN Plan, when you say that policy is a Law, ordinance, resolution, mandate, regulation, or rule, this Bill that is before us for public hearing—I think it is 2465, which amends our Subdivision Ordinance. That is an example of a policy change, right?

Ms. Drisko: Right.

Ms. Yukimura: It is addressing the need for sidewalks that would encourage walking. That is a change that would be part of achieving the goals for the Physical Activity and Nutrition Plan. What is your goal? Did you say that?

Ms. Drisko: Our main goals—I did not put that in there. What are our goals? (Laughter) It is to increase physical activity and nutrition, decrease health disparities, and there is another one.

Ms. Brody: There is another one.

Ms. Yukimura: But the main thing is that you are trying to create a healthy population. Is that right?

Ms. Drisko: Yes, right.

Ms. Yukimura: That is what this is all about, and a healthy population because it contributes to a better quality of life individually, and as a community, but also because it lowers health care cost, one would guess?

Ms. Brody: That is huge.

Ms. Drisko: Right, and it increases individuals' quality of life, most importantly.

Ms. Yukimura: Yes, right. Then your system changes...inventions and organizations that promote and enable new behaviors efficiently, and you cite as examples, the bus stop and the EBT at Farmer's Markets. Those are examples of changes in system that will promote health, essentially. Is that right?

Ms. Drisko: Yes. It is not really a policy change or environmental change, but more of a systems change like adding more bus stops and creating bus stop shelters.

Ms. Yukimura: We still have a lot of work to do in that area. What I am seeing is that at the County level, and at the Council level, we still have a lot of work to do that would support and help to implement this plan.

Ms. Drisko: Most definitely.

Ms. Yukimura: Okay.

Ms. Brody: You as a body have such influence on the direction that our County moves, and the health of our County. These zoning codes

that you spoke about earlier and other things that are going to come across your desk, you have got the power to take us in a really healthy direction.

Ms. Yukimura: Thank you. My question on page six (6) under the slide that is labeled "Preview," one of your community design and access objectives is to designate and allocate a minimum of ten percent (10%) of Federal and State Highway Transportation Funds to implement Complete Streets, bike and pedestrian plans, greenbelt and trail system, and Safe Routes to School programs. Is it something to consider that we would put aside ten percent (10%) of our County funds?

Ms. Drisko: Yes, and we originally had County in there, but trying not to make the objective too clunky because at the State, the money comes out of the Department of Transportation, but at the County, it usually comes out of Planning and Public Works where that money would come from. We ended up taking County out, but definitely implementing at the County level and allocating any defined percentage would be wonderful.

Ms. Yukimura: Well the County...

Ms. Drisko: We could add something in if you are recommending that. We could add something into this objective to clarify.

Ms. Yukimura: The County has a Highway Fund. We are going into Budget, so we are going to be looking at all of that. Given the progressive attitude and actions of our Department of Public Works and Planning Department, we may already...I do not know. It will be interesting to analyze whether we might already be using ten percent (10%) of the moneys. I think right now, our Transportation Fund just uses...pretty much goes to, and I can be corrected if I am wrong, but pretty much goes to repaving our County roads. To the extent that Lyle Tabata gets involved, it also includes restriping. It might also go to Complete Streets, but it might be a more deliberate way to allocate ten percent (10%). That is just an idea that came about when I saw your slide. Thank you.

Ms. Drisko: That would be great.

Ms. Brody: That would be wonderful.

Ms. Nakamura: Thank you very much for your presentation today. I had a question about—so this is a statewide plan?

Ms. Drisko: Yes.

Ms. Nakamura: For each County, is there is subsection for each County, or is it then for the Counties to take and then kind of bring it down to the County level?

Ms. Drisko: Yes, it is for the Counties to take a build off of the intent or trying to reach those objectives, but also there is going to be State level task forces that will be made up of people from each County that will be working on probably a more State level policy, but also where it affects the County. Get Fit Kaua'i is really going to be the County organization who will take the lead on implementing the majority of this part.

Ms. Nakamura: But they are already doing it.

Ms. Drisko: Right.

Ms. Nakamura: It is kind of in a way...

Ms. Drisko: But not every County has a Physical Activity and Nutrition Coalition. It is really only Kaua'i and Maui right now. The other two do not. For them, it is going to be much more difficult than for us.

Ms. Nakamura: So it is really Get Fit Kaua'i's agenda that is driving the local implementation of this statewide plan?

Ms. Drisko: Yes.

Ms. Nakamura: Okay. Thank you.

Chair Furfaro: Mr. Rapozo you have the floor, and then
Mr. Bynum.

Mr. Rapozo: Thank you, Mr. Chair. Thank you, for being here today. I just have one (1) question. On page three (3), "Sectors for the 2020 Plan," you said almost all of the islands are represented.

Ms. Drisko: I knew somebody was going to...

Ms. Brody: Of course, Mel. Good job.

Mr. Rapozo: Well, I am just hoping the Kaua'i is represented, especially being that we supposedly are the leaders in this movement that it would make sense to have someone...

Ms. Drisko: That is the funny thing. Kaua'i is not represented.

Mr. Rapozo: Do not feel bad because Kaua'i is often left out on many, many task forces.

Ms. Brody: Can I say something?

Ms. Drisko: Go ahead.

Ms. Brody: Although we are not represented in the nature of the task forces, we have Jodi representing as "Kaua'i is taking the lead" in writing this plan. Even though the implementation plan does not have somebody specific from Kaua'i, do not think that I am not going to sit back and not...

Mr. Rapozo: No, I understand that. I think we should have some representation on the actual...

Ms. Drisko: Right, and I have brought that up because I have been part of this from the beginning when they were saying who could be sector chairs and vice chairs, and let me tell you, Bev's name was the first to come up, and it was not like we needed to put one more thing on Bev's already

overflowing plate, but I had brought up, "Well, there is no one from Kaua'i on this list." They said, "But you are the one who is writing the entire plan." Me, and I said, "Yes, but it is still not being represented in a sector." I am working on all of it but they thought that between Bev and I, there would be enough Kaua'i voices plus they know so many other people in Kaua'i will not just sit back.

Mr. Rapozo: Who is "they?"

Ms. Drisko: The people at the State Department of Health in Honolulu. Bev is really the person who gets things done in the whole entire State in this area.

Mr. Rapozo: Okay. Thank you.

Chair Furfaro: Mr. Bynum and then JoAnn.

Mr. Bynum: Bev, we know you never just sit around, okay.

Ms. Drisko: But she is doing a good job today.

Ms. Brody: This is the best presentation. I probably did not have to say a thing.

Mr. Rapozo: She has not started yet.

Mr. Bynum: Thank you, Jodi, for this presentation. I specifically want to talk about the transportation funds. The reauthorization of the Highway Fund made things that used to be required, like Transportation Enhancement Funds optional for the State, so are we confident that our State is going to continue those programs and those distributions? What mechanism is it that we are going to use at State of Hawai'i Department of Transportation (HDOT) to assure that that decision is going to be made? Is there legislation?

Ms. Drisko: Right. I can tell you that I do not know, but the statewide group that will be working on it will—that will probably be one of their first tasks, is my guess. The Chairs there—well Brad Kurokawa is the Chair and he used to be Assistant Planning Director in Hawai'i County so he knows these issues well, but I can definitely put that on the radar to address.

Mr. Bynum: It has been on my list of things to follow-up and I was hoping that you could inform me today because this is very significant. For years there were categories in the Transportation Funds from the Feds, like Transportation Enhancements and that were either required or could be used for Transportation Enhancements. Now, after these last three (3) authorizations it is up to each State, so I would strongly encourage that you assist me in having a dialogue about what our State's intention is. I am a little surprised that I am not more on it, and that we collectively are not more on it because I thought you would have an answer for me. If we could follow-up on, that I would like to get a clearer answer about what our State's intention is, because we can influence that. I just want to acknowledge that you mentioned Marie, who is staffing our Built Environment Task Force, which has great membership. I missed a couple of meetings, but I will be there whenever I can, because it is a diverse group. It has energy, and Ken Taylor attends most of the time. He has had good input as have

others, but I would really like to recognize Lyle Tabata on that group, in a key position as Deputy County Engineer, has become a leader in that group and that is wonderful for our County. Thank you for your great work. This is taking it to the next step on a statewide level, and I am proud that Kaua'i is kind of ahead of the game on this, but it does not mean that we are done. There is a lot more to do, including the Bill that is on today's agenda for public hearing, which had a lot of input from the Built Environment Task Force folks. Thank you very much.

Chair Furfaro:

JoAnn.

Ms. Yukimura: Yes, thank you. I want to say that it might work out that Kaua'i is not in the leadership as Chair and Vice Chair because we really need Bev to help us do the work here. You can really get dissipated, sort of, by doing statewide work. Here, we can focus on getting very concrete results, and then become a model for the State. I also want to say that in the Housing and Transportation Meeting...Yvette, excuse me. We are having Ms. Souza from the Federal Highways Administration on April 17th to report on the Map-21, which is the new Federal Law coming down, requiring more multi-modal planning on the part of the DOT and recipients of Federal Highways and Transportation moneys. I would invite the Built Environment Committee to come and hear the briefing.

Ms. Brody:

That sounds great.

Ms. Yukimura: It may feed into the questions that Councilmember Bynum has asked about the whole process of enhancement moneys and so forth.

Ms. Drisko: Granted with the change in the enhancement funding not as a separate, we may even want to change that ten percent (10%). Actually some people were recommending twenty percent (20%) to fifty percent (50%), which fifty percent (50%) may be a bit much, but we could add a compromise on even ten percent (10%).

Ms. Yukimura: Yes. I did bring back from the Smart Growth Conference a panel discussion called "Not Your Father's D.O.T..." and it featured State Directors of Transportation, who are moving their whole system to support and implement multi-modal transportation in their State, so that is happening elsewhere and could happen here. Thank you very much.

Chair Furfaro:
members? Mr. Kagawa.

Okay, are there any more questions from

Mr. Kagawa: I thank you both for your work. I just want to caution that we are approaching Budget time, and we have recently met with the Finance Department. Basically, they are telling us that we are broke. We are looking at tax increases in the upcoming Fiscal Year, something that is unheard of when a County is doing that when our Country is in a recession. I do not want to make promises that we cannot keep, so we have to consider everything that we are doing and everything that we are telling you that we will do, we will have to consider it among the whole gamete. There are people that feel that your ten percent (10%) is real important. There are people out in Kekaha and Hanapēpē, who are waiting for their roads to be paved, which have not been paved in forty (40) years. There are just a lot of things that we are going to have to balance, and I am kind of worried at this point because I do not want to do what economists say is the

worst thing you can do, which is raise taxes during a recession. We will see how everything stands, but I support your efforts. I support everything we can do to make streets safer. When bicyclists or pedestrians get hit by cars, results are normally very tragic. We just had my dear friend in Kekaha who was recently hit by a car, and I think it just goes to show that we need to allow for those, because more and more we are seeing more bikers, walkers, and joggers. I thank you for your work.

Chair Furfaro: Anyone else? Members?

Ms. Brody: Can I just tell you a quick story?

Chair Furfaro: You have to be recognized first.

Ms. Brody: I am sorry.

Chair Furfaro: Are there any more questions from the members? If not, I will give you time, Bev. Go ahead.

Ms. Brody: This is very quick. I will make it very brief. There was this little boy and he was eight (8) years old when his father died. He was very uncomfortable and at the funeral, there was this one guy who came over to him and said, "You know, it must be really rotten to lose your dad." The little boy remembered him forever, just because he was the only one who came and talked to him at the wake, because everyone felt a little weird. As they grew up through the years, they stayed in contact, if you will. One day, this guy—we will call him Troy. He went to Burger King to get something to eat. When he was coming out, he got "t-boned" and was killed. The person who killed him was a seventy-eight (78) year old man, and he was driving when he should not have been. He was driving because there were no sidewalks. There was no safe place to walk and if there had been, he would have walked to Burger King, which is a block away instead of getting in his car and driving. We really, really need to think about this. There are a lot of aspects to Complete Streets, and it can save lives. That is a true story. Thank you.

Chair Furfaro: Thank you. Members, anything more? Okay. Before I open it up for public testimony, I want to make sure we understand that it is not "safe streets" that is on the agenda today. It was posted by me as an update on the nutritional value of the programs as it relates to coordination with the State. I do know that our speaker will be here on the 17th that JoAnn pointed out because I confirmed agenda time for her, so that would be the appropriate time. Thank you very much ladies.

Ms. Drisko: Thank you.

Chair Furfaro: May I ask for public comments on this agenda item? Come right up, Glenn.

Mr. Mickens: Thank you, Jay. For the record, Glenn Mickens. I do appreciate the fine presentation by these ladies, but in my opinion, the Government, or any other entity cannot legislate health or any plan to enact it. The will to exercise and eat properly is up to the individual. It cannot be dictated by any outside source. I firmly believe that. People in my area walk, jog, and bike everyday and do not need a multi-million path to stimulate them. I agree that

sugar-sweetened drinks are not good and can be advised to be limited, but I believe I just asked Jay this. I believe a judge just ruled against any ban or restriction on soft drinks, so I think you have to be very careful where you go, when you try and restrict what people can and cannot do. I am a strong advocate of healthy foods and exercise. I have been doing it most of my life, like watching your body mass index (BMI) to see what it is. Your doctor puts it on a sheet when you go in for your physical exam now, your cholesterol levels, and stuff like that. That is great, but again, it is up to you, the individual. I heard Mel say the same thing up where he lives. He goes exercising for his walk or jog, or whatever, but he does not have to go to a certain area to do it. It is there. I agree that you need sidewalks, but at this stage of the game as Ross has pointed out, "Where are you going to get the money?" It takes hundreds and millions of dollars to do it and to take away the rural aspect of this island; I do not think that is the answer either. I think it can be changed. Anyway, what these ladies have shown, and that brochure that they got, I think that is fine, but it is still going to be up to you people, everybody, in their own minds to want to do it. You cannot make them do it, whether you open up all the gyms in the world for people to do their proper exercises, you still cannot force people to do it. It has got to be within them. Thank you, Jay.

Chair Furfaro:

Mr. Mickens, we have a question for you.

Ms. Yukimura:

Thank you, Glenn, for your testimony. So do you think that if there was not a bus, people would ride a bus?

Mr. Mickens:
people would not ride a bus?

Say that again. If there were not a bus, the

Ms. Yukimura:
not a bus?

No. Would people ride a bus if there were

Mr. Mickens:
you cannot ride it.

That is impossible. If the bus is not there,

Ms. Yukimura: So this whole effort to create a built environment to promote health is not to require people to do anything but to give them the choice to do it, to give them a choice to walk safely somewhere, to give them the choice to take a bus somewhere, instead of taking a car. It is about giving choices, not about requiring people to do anything.

Mr. Mickens: It is giving them choices, yes, JoAnn, but the money has got to be there to be able to fund these choices.

Ms. Yukimura:

Exactly. That is the point.

Mr. Mickens: That is the key. Where are you going to get the money for your sidewalks, buses, or for the multi-million dollar bike path? Where is the money going to come from?

Ms. Yukimura: The people in the County and State who have been elected to allocate the moneys on behalf of the people that elected them have to make those decisions about where to put the money.

Mr. Mickens:

On a prioritized basis, right?

Ms. Yukimura: Exactly.

Mr. Mickens: Okay. Thank you very much. Prioritized.

Ms. Yukimura: Thank you.

Chair Furfaro: Mr. Mickens, Mr. Bynum.

Mr. Bynum: You are familiar with the subdivision right behind Costco, Puakea?

Mr. Mickens: Yes.

Mr. Bynum: That is a fairly new subdivision.

Mr. Mickens: Right.

Mr. Bynum: Would you object if the County told the developer of a subdivision like that, in the middle of Līhu'e, that you need to put in a pedestrian element when you build the streets? When you build the streets, you put in the water lines, you need to put in a pedestrian element. Would that be an okay Law with you?

Mr. Mickens: If it is on a prioritized basis, and if the mass of the people want that particular thing and you can afford it, fine. I have no objection.

Mr. Bynum: This Law would say in an urban zone, if you build a new subdivision, you have to put amenities for pedestrians. Is that a good thing?

Mr. Mickens: Yes. It is a good think if it can be affordable. If that developer of that particular thing is not going to jack the prices up beyond what it is to just put that thing in, and we are not going to have the masses of the people use it.

Mr. Bynum: So if the developer wants to save money, we should say it is okay to mandate kids walking in the street?

Chair Furfaro: I am going to stop it right there because we are way off subject. Okay.

Mr. Bynum: Excuse me?

Chair Furfaro: That is my opinion. We are way off subject here. Thank you, Glenn.

Mr. Bynum: I am done whether I like it or not?

Chair Furfaro: Whether you like it or not, we have to follow our rules, and we are talking about implementing assessments to developers and getting an opinion from Glenn. This document is dealing with health and nutrition.

Ms. Yukimura: Mr. Chair?

Chair Furfaro: Yes?

Mr. Bynum: Nevermind.

Ms. Yukimura: It is also dealing with Built Environment.

Chair Furfaro: Okay. You folks know the rules well enough. If you want to overrule with what I just decided on, call for the vote and you get your four (4) votes.

Mr. Bynum: I said nevermind.

Chair Furfaro: Okay. You want to call for the vote, JoAnn, call for the vote.

Ms. Yukimura: Thank you.

Chair Furfaro: Glenn, thank you.

Mr. Mickens: Thank you.

Chair Furfaro: Anyone else? Ken?

KEN TAYLOR: Chair, members of the Council. My name is Ken Taylor. Thank you for having this item on the agenda today. I have been involved with Bev and Jodi a little bit over the last few years, and I think Kaua'i is very fortunate to have them leading this effort, and they have been very active and very energetic in moving this cause forward. It shows that Kaua'i is way out front of all the other islands on this item. I just am very happy that we on Kaua'i have them here working on behalf of the community, and I look forward to more community involvement as we move forward. I understand that is coming this year, so it will certainly benefit everybody on the island, as we move forward. Again, thank you for having this item on the agenda, and thanks Jodi and Bev for an interesting presentation. Thank you.

Chair Furfaro: Thank you. Are there any questions for Ken? Anyone else in the audience that wishes to speak on this item? If not, I will call the meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Members, we had a nice update and presentation as it dealt with the State's Physical Activity and Nutritional Plan. Comments are open for discussion now. Mr. Bynum.

Mr. Bynum: I appreciate the presentation and the direction that our whole Country is moving in regarding this issue. In a sense that Kaua'i is providing some leadership is something that I am proud of, and really appreciate the folks who are involved in that. A lot of this discussion is about choice and rural environment. I do not think giving kids safety when they walk around their homes and neighborhoods necessarily has to have a negative impact on a rural environment. On my time in Kaua'i, I have seen citizens repeatedly over and over

again ask the County to make amendments to make their children safer. Right now, by not doing that we mandate in our neighborhoods that children walk on the streets, because we do not keep the right-of-ways open and clear. I know when I lived in the Houselots, my kids, we identified in the Ka Leo 'O Kaua'i Community Program in the Houselots fifteen (15) places where kids could walk on the side, if they had the ability, but had to move into the street because of obstacles that were placed by homeowners or overgrown things. Pedestrian and public safety is really important. You cannot mandate people to exercise, but if you give them an environment, where that is the choice that they make, we know that, that works. It certainly has worked with me. I am not the healthiest guy in the world, but I am a lot healthier than I was five (5) years ago, because of making some personal choices, but also because of having the environment that allowed me to make those choices and gave me that opportunity. We cannot make people walk, but right now we make some of our children walk unsafely because we have not provided them with the facilities and enforcement that is necessary to keep their life safe. This is great movement. We are going to be thoughtful. We are not going to have the money to retrofit every street in the State, in the County. We can say if you are building a new subdivision, how about letting us make it safe. We can identify the high-priority roads like Safe Routes to Schools, where we can make some retrofits that improve the quality of life and, by the way, improve value of the homes and neighborhood where they have those kinds of amenities because it makes it a more desirable place to live. This is great stuff. Thank you.

Chair Furfaro:

Okay. Further discussion? JoAnn.

Ms. Yukimura: Chair, I want to thank you for inviting Bev and Jodi to be here. I want to thank Bev and Jodi for their very good presentation and all the work of the Get Fit Committee and the County Department of Public Works and Department of Planning, because it is really helping us to move to make safe places for sure, as Councilmember Bynum has stated, but also great places in which people can live. It also helps to lower to cost of living actually, when people do not have to drive and they can walk or use the bus. It is win-win in so many ways. I think that in doing this work, we are actually going to end up with more money than less money, or another way of putting it is that we are going to be using our money better because we are making more efficient and safe communities. Thank you.

Chair Furfaro: Thank you. Anyone else? Ladies, I do want to thank you for being here and giving us an update. I want to point out that I think the ten percent (10%) allocation for these alternate routes in investment is obtainable. I think it has some reach in it. Just coming in today, across from Wilcox Elementary School, it is the first time in two (2) months that the grass has been cut on the corner of the Courthouse. That is a crossing for children. Our focus has to be on the items that Mr. Bynum brought up about safety, but we also have to be realistic about the financial pieces. We are going to go through some very difficult times as Mr. Kagawa pointed out, and it is going to be all of us working together and having obtainable reach in the plan. Thank you again.

The motion to receive C 2013-100 for the record was then put, and unanimously carried.

Chair Furfaro: On that note, we have two (2) items from the Engineering Department that Mr. Dill is requesting to be deferred. I would like to

refer to the item that was on my list today for the order of the day item C 2013-101, and Resolution 2012-55. Can we have those read, please?

There being no objections, C 2013-101 was taken out of order.

C 2013-101 Communication (01/12/2013) from the County Engineer, requesting agenda time to discuss the temporary closure of Eiwa Street at the Rice Street intersection starting in late March or early April 2013 to provide additional parking during the construction of the Lihu'e Civic Center Site, Americans with Disabilities Act (ADA) Improvements Project.

RICKY WATANABE, County Clerk: Chair, the letter received from the County Engineer requested that the item be received for the record as they are doing continued research into the proposal.

Chair Furfaro: Okay. Larry, first of all, I would like to get clear. I was hoping that we could defer this for two (2) weeks, that is why I talked about a deferral, but you are requesting that we receive it, and I would like you here to express to the members, when do you think we will be able to put this back as the request is to receive?

LARRY DILL, P.E., County Engineer: Good morning Council Chair and members of the Council. For the record, Larry Dill, County Engineer. I am optimistic that we can get it back on the agenda for the next meeting, but there is some research being done that at the moment, I am not one hundred percent (100%) sure that it will be ready for that which is why we requested that it be received rather than deferred. We could defer it to the following meeting if that would be acceptable to the Council. I think that would give us a little bit of comfort if we could come back at that time.

Chair Furfaro: Let me ask the Clerk on those dates first, if we went for four (4) weeks?

Mr. Watanabe: May 8th.

Mr. Dill: That would be acceptable for us too. The project is being deferred, obviously, from the schedule that it was originally proposed. Okay, before there are questions from the members, I have surfaced the question, and remember we are coming into some difficult agenda items, but I want to make sure if I put the Resolution as well as the financial piece on in four (4) weeks, that is acceptable?

Mr. Dill: Yes.

Chair Furfaro: Now, the members may ask questions.

Mr. Watanabe: Sorry, April 10th would be four (4) weeks,
Chair.

Chair Furfaro: Did we get too far ahead of ourselves?

Mr. Watanabe: Yes we did.

Chair Furfaro: Okay, so it is April 10th?

- Mr. Watanabe: April 10th is correct.
- Chair Furfaro: For both items?
- Mr. Watanabe: Correct.
- Chair Furfaro: I am sorry I got a wrong date for you, equally my fault.
- Mr. Rapozo: Mr. Chair, are we talking about one (1) item or two (2)?
- Chair Furfaro: Both. He is asking for both. Am I correct?
- Mr. Dill: Yes.
- Chair Furfaro: Okay. He is asking for both items for four (4) weeks, and Mr. Kagawa, you have the floor.
- Mr. Kagawa: Regarding the Eiwa Street closing, the street right here, we are planning to close it, right? To close it and try and use it as parking, and maybe see if the community can do a permanent closure based on closing it off and seeing public reaction. Is your deferral because you are looking at possibly still doing it, or not doing it at all?
- Mr. Dill: No. We are still going to be coming back here with the proposal to do it. We just need to fine tune some of the points of the proposal.
- Mr. Kagawa: What is the projected date now that you are proposing to close to it?
- Mr. Dill: I will have to come back to you with that proposed date when we request time again.
- Mr. Kagawa: Maybe Summer?
- Mr. Dill: Yes, definitely by the Summer, we would like to get it started.
- Mr. Kagawa: Thank you, Larry.
- Chair Furfaro: Mr. Dill, we will send that question over to you from Mr. Kagawa. Are there other questions for Mr. Dill on his two (2) requests? Mr. Rapozo.
- Mr. Rapozo: Yes, I had a question. I guess I will ask, but we will have to take items separately, but I have a question on the Resolution. You do not anticipate coming back with the same Resolution, right?
- Mr. Dill: No, we will be amending the Resolution.
- Mr. Rapozo: Significantly?

Mr. Dill:

Yes.

Mr. Rapozo: I think we should just receive it. We did get communication from the Police Chief, we just got communication from the Grand Hyatt, and I think the general consensus is that the road should only be closed for safety concerns, in other words, line of sight. Anything beyond that would be unnecessary and would not be supported by the Police. If it is going to be changed significantly, which I am hoping it will, my suggestion is to receive and resubmit. Would that be a problem for you?

Mr. Dill: Well, if that is the protocol, then I do not have a problem with that because we would definitely be coming with a significant change to the proposal. If the proper protocol is to receive and then resubmit, I am fine with that.

Mr. Rapozo:

Okay. Thank you.

Chair Furfaro:

Okay. Vice Chair.

Ms. Nakamura: I just wanted to echo that. I did receive communication from Grand Hyatt also with their concerns with the line of sight issue being their main concern. I just wanted to make sure you have copies of their testimony since they were prepared to present today. I think Councilmember Rapozo's suggestion probably makes sense if you want to defer one (1) and receive the other.

Mr. Dill:

Okay.

Chair Furfaro:

Mr. Bynum and then Mr. Hooser.

Mr. Bynum: Just a couple quick questions about how the Americans with Disabilities Act (ADA) improvements and the Hardy Street improvements, are they going to be occurring simultaneously?

Mr. Dill:
construction wise.

Yes, those projects will likely overlap,

Mr. Bynum: When I was first on the Council, there was a proposal to close 'Eiwa Street, and the Council at the time said let us deal with these safety issues on Hardy Street like relining the entrances. That is going to be accomplished with these two (2) goals, right? With the Hardy Street and the Civic Center ADA site improvements, we are going to improve the safety of these intersections and on the traffic highway, right?

Mr. Dill:

Yes.

Mr. Bynum: The closure would be first on an interim basis for construction but eventually, be permanent. Is that still the plan?

Mr. Dill: The interim closure would occur in order to test the closure's impacts on traffic and circulation. I am not ready to speak to the permanent plan until we get the results of the test, but that will help us make that decision.

Mr. Bynum: That was for me, seven (7) years ago, and the idea was, "Okay, to give it a real test, we should have these other improvements in place to really test what the impacts are." I am supportive of moving ahead with this, but you need a little more time. I get it.

Mr. Dill: Alright. Thank you.

Mr. Bynum: Thank you.

Chair Furfaro: Mr. Hooser, you have the floor.

Mr. Hooser: Mr. Chair, we are speaking on both of those issues?

Chair Furfaro: Actually, we are speaking on both of those issues, but when it comes to a vote, I will be asking for motions separately on both items.

Mr. Hooser: I need some clarification from Mr. Dill with the Po'ipū Road Parking Resolution. It seems like the Department is considering changing the Resolution in response to concerns that have been put forward, but we have not heard those concerns. The Resolution was on the agenda. We were going to take testimony. It just seems awkward to me that we are not hearing the public's concerns, and then responding to the public's concerns, rather than having the Department decide to go basically amend the Resolution and come back with another one, because we may end up liking the one we have now. I am not sure.

Chair Furfaro: Very good questions, but I do want to point out that a couple of Councilmembers have heard from the Po'ipū group. It has been my practice to have Mr. Dill come up to explain their requests, and then we will, if there is anybody in the audience to take some public testimony. Maybe you can expand a little bit on the questions about the deferral on the two (2) week piece for the street here in Līhu'e, and also share with us your request to receive the Po'ipū piece. Can you expand on that?

Mr. Dill: Certainly. On the Po'ipū Road No Parking Resolution, our original proposal had been to establish No Parking areas and forgive me, I do not recall the names of the streets, but along the whole length of the subdivision, as well as those two (2) intersections. The concern there was two fold, it was sight distance at the intersection, and egress-ingress safety concerns. But also in between the two (2) intersections, the concern was one of safety for pedestrian and cyclists, non-vehicular users, but also responsive to concerns that we had received from the neighbors about related nuisance issues because of proximity of parking to private property. After further discussions, we have had met a couple of times and had discussion with the Kaua'i Police Department, and their concerns about establishing No Parking zones between the intersections; we have decided it is more appropriate certainly at this time to limit our concerns to the ingress/egress safety issues at the two (2) intersections. The Amendment you that you see coming to you will be limited to the two (2) intersections for safety for the egress/ingress.

On the 'Eiwa Street proposed closure, as was mentioned, the proposal came up some time ago as part of the Līhu'e Town Core Plan to close off 'Eiwa Street at the Rice Street intersection with the idea of making the County campus a more

walkable/pedestrian-friendly facility. That has been part of our long-term plan, long-term goal, but there are some preliminary traffic information that we have received as part of that. We always thought it would be best for us to test that with the temporary closure. With the proposed improvements coming up for the Līhu'e Civic Center Site Improvements and ADA improvements that are part of that, we are going to have a challenge meeting our park requirements because the construction will be going on, so we look at this as a good opportunity for us to close 'Eiwa Street, add parking in there during the timeframe of the construction, and there would be an interim time it would be closed, and we could test the impacts of closing 'Eiwa Street. Originally, we believed that we could—we did not need a Resolution for this, but obviously we are coming to Council to discuss it with Council about the ramifications of this. Recently it has come up that we believe it has to be essentially a traffic resolution to come to Council. That is some of the legal research that is being done right now to support that effort. There are a couple other—I sent the plan back to Engineering with questions that I have on fine tuning the proposal, so that is also happening as well, and that is why we are requesting the deferral on that particular one (1).

Chair Furfaro:

Okay. Mr. Hooser, you still have the floor.

Mr. Hooser: So on the Po'ipū Parking Resolution, since we do not have maps showing us all the details of this, are you saying that the Resolution that you intend to come back with will be less restrictive than the Resolution that is on the table?

Mr. Dill:

That is correct.

Mr. Hooser:
Po'ipū Road. Okay.

There would still be allowed parking along

Mr. Dill:
intersections.

Except, where we propose to limit it at the

Mr. Hooser: Okay. Thank you. Chair, again, basically, it comes back to the point of rather than receiving, why we would not hear the Resolution, hear the testimony, and then defer pending an Amendment, unless it is going to be so significant that it is going to change and require public hearing, but it just seems like thinking about amendments before...we have got the carpet for the horse, or I do not know what the expression is, but anyway, that is all. I am done.

Chair Furfaro:

Okay. Mr. Rapozo, and then JoAnn.

Mr. Rapozo: I just would like to address Mr. Hooser's concerns. Were you here when we did the original...when it first came on the floor? Or was that the former Council?

Mr. Hooser:

I was not here.

Mr. Rapozo: Okay. We did have the maps. We had the discussion. We had the testimony. It was my opinion that it was more of a landscaping issue that these homeowners wanted the No Parking zone because they did not want people parking in front of their properties. They utilized the argument of safety, but yet as...that is why I asked for the original deferral to check with KPD. KPD went out and did their analysis, along with Public Works, and came to

the determination that except for what Mr. Dill is talking about, about the egress/ingress areas and line of sight, that anything beyond that would not include the safety of that road. My concern was that once we started to provide No Parking areas on roads—I do not want people parking on my manicured shoulder either, but that is County property, and that road is utilized by a lot of local people to park to utilize the beach and the amenities down at Po‘ipū, so that was obviously my reasons for not supporting that “entire No Parking zone.” I could definitely support for the reasons of safety, egress/ingress. I do not have a problem if we defer it. I am not going to support it as written, simply because of that, and now with the testimony of the Kaua‘i Police Department, which was in the box, I believe today or yesterday so you folks should have it from the Chief that they did the analysis. You did not see it? Well, I guess if you could make that available. I do not know who has it, but if you could provide that to the members that, in fact, the egress/ingress areas would be supported by KPD, but not the entire strip. My concern again is if we open the floodgates because for every subdivision, we would be getting requests for No Parking because of safety and bottom line is that is County property. That is the people’s property, and I do not think we should be closing anything off because someone wants their yard to be perfect. It is what it is, and you buy property along the County roadway, your shoulder becomes County property. That was the rationale for my request, and I apologize to the two of you not here for the original discussion, but we did have those discussions when the Resolution first surfaced. Thank you.

Chair Furfaro: Just for clarification, the correspondence from the Kaua‘i Police Department was just to Mr. Rapozo as the Public Safety Chair and may not have been distributed. Mr. Hooser, you have the floor, then Mr. Bynum. Did I skip you, JoAnn? I did? I apologize. I will recognize you, JoAnn first.

Ms. Yukimura: I just have a quick question. Larry, in addition to talking and getting input from the Police, have you also been getting input from the parties involved?

Mr. Dill: Yes.

Ms. Yukimura: Okay.

Mr. Dill: We have been in communication.

Ms. Yukimura: Okay, so both the residents of the Bayview subdivision, as well as the Hyatt hotel?

Mr. Dill: Yes.

Ms. Yukimura: Okay, so what you are going to be bringing back is hopefully something that has brought all of this together and thought of what is the best possible?

Mr. Dill: Yes, I believe so.

Ms. Yukimura: Then I am in favor of letting you have to time to do that. Thank you.

Chair Furfaro: Okay. I need to go to Mr. Hooser again, and then Mr. Kagawa, and then back to you.

Mr. Hooser: Yes, thank you, Chair. I was not here on the Council when it was debated, but I did attend a very valuable workshop that Councilmember Yukimura sponsored. The working group that I was assigned to had a representative from the Hyatt, as well as some key community leaders who are very familiar with the property and the problem. After spending some quality time with that group, like everyone here who has been involved in the discussion, I came away with some very clear feelings on the issue myself. As it stands, as the project has been described to me, that to come back with different Resolution, I would then be in a similar situation, where Councilmember Rapozo said today where I may not be able to support it. My main question is a question of the process. I would believe that we would have a thorough discussion, kind of like we have having now, and having public input, and then either amend what we have now, or receive an approval, rather than just say, "Okay, go do your other Resolution and come back," because I am not prepared. It is like we are giving preapproval for the one that is coming in some respects. That is how it feels anyway.

Chair Furfaro: I have the similar concerns as you, but what I want to know is that we needed to have Mr. Dill here first to discuss all of those pieces. I still plan to take public hearing, and if the members would like, we can certainly read the Resolution as it stands, but we have this deferral request on item C 2013-101, and we have to receive the Resolution because there will be significant changes, and we will get to that. I hope I am answering your concerns.

Mr. Hooser: Yes, you did. I certainly want to give the Department time and opportunity to present the best plans. Thank you.

Chair Furfaro: Okay. Mr. Kagawa, you have the floor.

Mr. Kagawa: We do not have a crystal ball in front of us. The worst thing is to have a "couch coach" tell you what to do, but as your "couch coach," I will tell you that I think the closing of Eiwa Street is a really bad idea. I can almost picture the backlog here on this street that is going to happen. I am just wondering if your group that decided that the closure was an idea that you are going to proceed on, was that group picturing some of the thoughts that I am having?

Mr. Dill: Yes, obviously that is a concern. This came out of the Līhu'e Town Core Plan and I confess, I am not familiar with the details of that plan. It was actually spearheaded by the Planning Department, with input and support from Public Works, some time ago as was brought up earlier in the discussion, prior to my time. We are doing this in response to the proposal of the plan, and it is only temporary because we share some of the concerns that you have and we want to find out what are the real world impacts of this closure, and then we will move forward after we learn from that experience. I appreciate your comments.

Mr. Kagawa: Well, you guys do the work every day. You have to think about the long-term, and you are going to have to call them, just like a person watching pro football on the couch. You can make your recommendations, but the coach is going to do what they are going to do. As your couch coach, I think it is not going to be nice. Anyway, I hope it is not as bad as I see it.

Mr. Dill:

Thank you.

Mr. Kagawa: I thank you. Another thing, I also attended the same workshop as Councilmember Hooser and Councilmember Yukimura, and what I recall is that a lot of the parking issues were caused because the usage has changed from hotel to timeshare or whatever, and there is not adequate parking for the guests, and there is not adequate parking for the workers also. What happens is some of the solutions that they have brought up, is that they can tell their workers to go park in Po'ipū Beach Park or other things. I am saying, "No, that is wrong." Beach parks are for our beach users. It is not to house parking for hotel workers or hotel guests. What happens when we have Po'ipū Beach Park, our top ten (10) beach park in the world? What happens when it is crowded? They do not have parking. I think that is why the Police and Public Works; they are kind of concerned about passing No Parking resolutions along that main strip. Of course we would like the streets to look nice and the hotels to look nicer, but those cars are going to go somewhere. We cannot just put "No Parking" there. The workers are still going to park somewhere else. They are going to park on residential streets, and then the residential streets will be asking for No Parking, so we need a longer term solution is what I heard there at that meeting, and they were supposed to get together with the Po'ipū Beach Resort Association and try to find some real solutions and not temporary solutions. That is what I heard and I just wanted to pass it along to you. Thank you.

Chair Furfaro;

Vice Chair, you have the floor.

Ms. Nakamura: Thank you, Larry. I just wanted to speak about the process, and not only with this Resolution, but others that have come before us, I have noticed that there has not been the upfront notifications of neighbors and discussion with major stakeholders before it hits the Council agenda, and so what happens as a result is that we get pulled in by all the different parties to go down, do a site visit, and things that could be done, I think, better done by the staff, your staff. If it is done upfront, then it saves us from these discussions when it hits the floor. What I wanted to recommend, because many of the Planning permits they do at least with a five hundred (500) feet notification of people impacted, major stakeholders, and institutions that are going to be impacted. Just to go out and talk to them and do that homework, that front-end work, before it hits the Council. That is just a recommendation that I would like to make moving forward.

Mr. Dill:
you.

Thank you. That is a good point. Thank

Ms. Nakamura:

Thank you.

Chair Furfaro: Larry, I just want to say at this point is that I too, was on one (1) of the work tables. I happened to sit with the Police, rather than the hotel people, but I do understand that Po'ipū Resort Association has a resort area plan that they need to come up with, and I did share with them my experience at Wailea when I was a General Manager (GM) at the old Intercontinental in the hotel association within that, and came up with some transportation plan. They had the benefit of having Mr. Charlier there as he was invited by Councilwoman Yukimura. There is that component too. Before we go any further, I want to make sure people understand, I gave you both items here

because I did not want you to come back this afternoon and deal with the Resolution.

Mr. Dill: I thank you.

Chair Furfaro: I put the two here. That was for your convenience.

Mr. Dill: I appreciate that. Thank you.

Chair Furfaro: The items that we have, we do have C 2013-101, which you are asking and confirmed now with a deferral for two (2) weeks. You would be able to come back to us?

Mr. Dill: I am sorry. What is 101?

Chair Furfaro: I am sorry. 101 dealing with the Rice Street intersection item, C 2013-101.

Mr. Dill: Yes.

Chair Furfaro: You would be able to come back on April 10th?

Mr. Dill: Yes.

Chair Furfaro: I will have to make motions on these items separately, and then we are in receipt now of Mr. Rapozo's Committee correspondence on concerns for Resolution No. 2012-55, which is going to be at your request to receive?

Mr. Dill: Please.

Chair Furfaro: Okay. No date specific.

Mr. Dill: Correct.

Chair Furfaro: Very good. Mr. Rapozo.

Mr. Rapozo: I just have one last question, and this is pertaining to the 'Eiwa Street because when I read the communication, I was under the impression that we were going to close 'Eiwa during that work at the intersection. What I am hearing today is that you are going to close 'Eiwa to do the big project and use it as a testing time to see what the impacts will be. I just read it differently. This thing says basically that we are only going to close it so that we can provide parking during the construction period.

Mr. Dill: Right.

Mr. Rapozo: What I am hearing today is probably a little more long term than temporary.

Mr. Dill: It is temporary. I cannot tell you the exact term though. That is a good question. I do not know how long it is going to be and what the construction schedule is. We will come back with that information.

Mr. Rapozo: Yes. For me, if we do a resolution, it is going to have to be date specific. In other words, for me anyway, I am going to have to know when.

Mr. Dill: Okay.

Mr. Rapozo: I agree with Mr. Kagawa. Just look when we do parades, and that is only for a few hours on a weekend. You are going to do that on a weekday, oh my gosh, it is going to be horrendous. I think the people should know how long this is going to be. I do not think you run the test case for a six (6) or eight (8) month period. I think within seventy-two (72) hours on a weekday during the week, we will know right away what the impact would be because the other improvements have not been made, like the roundabout. All of the other traffic coming or traffic measures that are going to be installed in this area will not be in place. You are going to be comparing apples and oranges because I know, just look what go up and down this road every day. I do not know if we even did a traffic count, but I am sure somebody did and it is pretty substantial. Once you close it, I think you will see problems at all 'Umi, Hardy, Rice, all of them. I think you are going to see a lot of problems. When you come back, please give us a more specific time that the closure will be. Thank you.

Mr. Dill: I certainly agree with you. There is going to be impacts and unwanted impacts. Seventy-two (72) hours, I do not think is any way to make a decision on the assessment of those impacts. As soon as we close it, it is going to get very bad. In spite of that, we are going to have to do some outreach here to inform the public as best we can, but still it is going to be difficult at first but as time goes on, and as people get used to it, people will adjust and that is what we need to find out. There will be some length of time, but we will certainly include the timeframe that we are proposing when we come back to you.

Mr. Rapozo: Thank you.

Chair Furfaro: JoAnn, you have the floor.

Ms. Yukimura: I was going to hold off until you came back but I think I want to ask this question now. The way I read it, it was closure at Rice Street but not closure on this side on Hardy. Is it going to both be closed?

Mr. Dill: No, Hardy will remain open.

Ms. Yukimura: Okay.

Mr. Dill: It will become effectively a driveway access.

Ms. Yukimura: Right. Okay. Thank you.

Chair Furfaro: Mr. Dill, I would appreciate if you stay in the audience because my plan is to really take testimony and a motion on the Rice Street piece first, and then take testimony and a motion on the Po'ipū piece one (1) at a time. For those in the audience, I would say now that we are taking testimony

for C 2013-101, which is in particular a date deferral specific to April 10th. Anyone in the audience wishes to give testimony on Rice Street at this time? Ken, come right up.

Mr. Taylor: Chair, members of the Council, my name is Ken Taylor. I am adamantly opposed to closing this street down. I think there are some simple solutions to the parking. Employee parking should be in one of the two large parking lots down below, that are generally empty day in and day out throughout the year, except for a few occasions. I think right now, with the added activities in the building across the street, it is harder and harder to find parking when you are coming to do business with the County, and that parking, a good portion of it should be set aside for people coming in to do business, whether it is getting a driver's license, going to a Planning Commission hearing, or other commission activities. If that was done, there is no reason that additional parking needs to be put on the street there. It is disappointing to see, even here at the State building, that you have got all of the employees parking along the street first thing in the morning. Where do the people who come to do business at that building have to park? They have to either find a place in the County parking or pay to park, which is wrong. I think that again, those employees should be down in the parking lots that are down below that are not being utilized. As far as traffic flow, I think two (2) simple signs at this intersection over here, which is one (1) "No Left Turn Off Of Rice Street" and "No Left Turn Onto Rice Street" would solve the traffic flow problem. I just think we are being very foolish to even consider closing this. I believe the closing of this street, pre-dated the Lihue Core Plan. It came out, as I remember, when the first campus plan came out for the County facilities, and that is when that road was first shown to be closed. I think it would be a very big mistake, and depending on what happens with the space where Big Save was, the possibility that truck traffic and all of that will have to be continued there. If that is the case, closing this street down certainly would not be of benefit to the community. I think...

Chair Furfaro: Excuse me, Ken. That is your first three (3) minutes.

Mr. Taylor: Okay. I just feel that some new direction needs to be looked at, and then what has been in the planning process until now. I hope that you folks will insist that the Administration to take a good look to the reality of what really needs to happen. I come from a community who grew up where the County facilities and buildings were downtown. It was a very difficult situation for parking, but employees were parking five (5), six (6), eight (8) blocks away in order to find a place to a park. We just heard this presentation for the Physical Activities, and certainly parking down below would give a number of employees an opportunity to have a little physical activity while getting back and forth to their automobiles. I think it all comes together when planning. Thank you.

Chair Furfaro: Thank you, Ken. Any questions for Ken? If not, members and the audience, can I say that we are due for a caption break right now. Is anyone here who wants to testify on Rice Street? Just yourself, Glenn? Come on up and then we are going to take a caption break before we go to the Po'ipū piece.

Mr. Mickens: Thank you, Jay. For the record, Glenn Mickens. Just very briefly, I wanted to say that I completely agree with Ken, Mel, and Ross. I think it would be disastrous to close 'Eiwa Street. As Mel pointed out,

take a traffic count on that street each day. How would you even get in to parking here? If that street were closed, you could not park here to come into the Council Chambers if it was completely closed off. If it is one way you could still get in, but, you could not. Larry said seventy-two (72) hours as Mel suggested to take a look at it would be too short a time where people will adjust. That is always possible, but in seventy-two (72) hours if there is other bedlam around here, like Ken said, people would be parking five (5) or six (6) blocks away to be able to take care of it. I would be highly opposed to doing anything permanently, but I think Larry said he is working on it and it is not set in stone at this stage in the game. Thank you, Jay.

Chair Furfaro: Members, I am looking for what I believe was the Engineering Department's request to defer this item to date specific, April 10th.

Mr. Kagawa moved to defer C 2013-101 to April 10, 2013, seconded by Mr. Rapozo, and unanimously carried.

Chair Furfaro: When we come back, we will be dealing with Po'ipū.

There being no objections, the meeting recessed at 11:02 a.m.

The meeting reconvened at 11:13 a.m., and proceeded as follows:

Chair Furfaro: For the public, it is our intention to deal with Resolution No. 2012-55, and those of you here for Coco Palms, it will be sometime after 1:30 p.m. If that helps you in any way, that is my plan.

There being no objections, Resolution No. 2012-55 was taken out of the order.

RESOLUTION:

Resolution No. 2012-55 – RESOLUTION ESTABLISHING NO PARKING AT ANY TIME ALONG PORTIONS OF PO'IPU ROAD IN THE KOLOA DISTRICT

Chair Furfaro: For those in the audience that have been following the discussion here at the Council, it is actually the wish of the County Engineer to receive this item due to what seems to be some additional changes in this request. As it has been posted, we can now take public testimony up to six (6) minutes for each speaker on this item. Can I see by show of hands of any members who wish to speak on this? Two (2) speakers? Come right up please.

Mr. Rapozo moved to receive Resolution No. 2012-55, seconded by Ms. Yukimura.

There being no objections, the rules were suspended.

TERRY KAMEN: Hello Councilmembers. Thank you for letting me speak. I want to compliment you on this room. I have not been here in a long time. You did a great remodel job. It was good use of my tax money.

Chair Furfaro: Thank you very much.

Mr. Kamen: My name is Terry Kamen. I have been a resident and have worked in Po'ipū for over forty (40) years. I helped to spearhead the Transportation Committee group that we did a while ago. I worked with JoAnn when she was Mayor to get the new Po'ipū road in place with the large shoulders that are on that road. I have been involved with this transportation thing for a very long time. I have developed in Po'ipū. I have watched it all develop, and I have one major concern. Many, many, many years ago, Dee Kurabayashi got hit by a car on Po'ipū Road while crossing the road. Since that time, we have had lots of development. The roads went in. The shoulders went in. I remember the conversation that I had with JoAnn when that road was built and she pushed for those shoulders. Those shoulders were built for parking and pedestrian access—I am sorry, those roads were built for biking and pedestrian access. They were not built for parking. I go up and down that road maybe five (5) to six (6) times a day, and every single day I see cars parked up and down Po'ipū Road, usually in certain areas, and pedestrians have to go around them, and bicycles have to go around them. They go in the streets and these tourists are zooming by. They almost get hit and people are with baby carriages and everything else. I will be a little more radical than everybody else and say no parking on Po'ipū Road from the Hyatt Regency, all the way to the shopping center where Jim Scamahorn's house is because you have cars backing out from the fire station. Everybody is saying the employees, well let the employers finally get together and provide parking for their employees. We have pushed them and pushed them for years, and for years they ignore us because there is no reason to do it because there employees can park out on the street. We just did the thing with Jim Charlier about transportation and everyone had their point of view, but my group consisted with the resort people and people who live on Po'ipū Road. The reality was at the end, even the Hyatt Regency said you are right, "We cannot get our people not to park on Po'ipū Road. We tell them not to and we give them fake tickets, and they still do. We do not have enough of a hammer." This was after a lot of discussion that they admitted that they do not have control. The only way we are going to get the employees to stop parking on Po'ipū Road is to put up "No Parking" signs. We should enforce, which will make the employers get together and figure out parking. There is a lot of land you can park on. They just do not want to do it, and we have to force them to do it. If they want to keep their employees, they are going to have to do it. They will either find parking or bus them in like we have been trying to do for years. We got to sort of have a hammer, and by letting do just the intersections; they will just move the cars down the road. It does not help the situation at all. It is strictly a safety concern, and of course it will make it much more beautiful, but it is a safety concern. I think this Resolution should just have "No Parking" on both sides of the road from the Hyatt to all the way past the Kukui'ula Shopping Center—the smaller Kukui'ula Shopping Center. I do not know what the big one (1) is called. It is just safety and a matter of taking care of people. It is just a matter of time before someone gets hit, maybe someone even with a baby carriage or on a bike. It is just a bad place to have parking. Thank you.

Chair Furfaro: Terry, let me ask you a question. For myself, I was the Resident Manager in 1982 for the Sheraton Kaua'i and the Hotel Manager in 1992. It was always, what I thought the desire to have the resort association there cultivate this message. Can I assume that, that discussion is going on?

Mr. Kamen: No. I was in the meeting. I was amazed. What is going on is that they like their employees to park out on the street because they do not have to deal with it. I was amazed. Three (3) of the resort people were there and Stella gave me the hardest time, until at the end when she admitted she

cannot control her people. They cannot—they do not want to do it because then they have to do something. We have been trying for eight (8) years now since the transportation plan to try and get something going, but the employers themselves do not want extra work. It is like me going to you as the Manager of Sheraton and saying, “Hey, I got something else on your agenda that you have to take care of.” You are so busy anyway. You do not want to take care of it if you do not have to. You would give it to some assistant or push it down the line.

Chair Furfaro: I will disagree with that comment because I was the General Manager at Wailea, and those resort operators were willing to work together because it is also a benefit for their employees. With carpooling and a common parking site; they also got benefits.

Mr. Kamen: Jay, this is not going on here. I think Wailea is fabulous. I love going to Wailea. It is really well laid out and great. The guys here are not doing it. I was amazed also. I did not think it was a problem. I was amazed that they are pointing their fingers and not cooperating with each other to make it happen. We all agree that it should look as nice as Wailea. You are absolutely right.

Chair Furfaro: I thought they were on a roll with the park and ride for Po‘ipū as well.

Mr. Kamen: It is just not happening, and I think we need a hammer to get them to do it, and get together and say, “Hey, we need to solve this problem finally, and once and for all.” Thank you very much.

Chair Furfaro: Hold on, Terry. We have other questions for you. JoAnn, and then Mr. Bynum.

Ms. Yukimura: Thank you for your testimony. It has a lot of history in it. There are two (2) things what I want to tell you as a resident and citizen of Po‘ipū, Kōloa. There is a planning process for Po‘ipū Road on how to make it a complete street. That is happening. I am sorry Bev is not here, but Bev Brody who was here earlier, Lyle Tabata, and Planning are bringing in, I think Dan Burden, to work on Po‘ipū Road. That would be a time to talk more permanently about what some solutions might be for Po‘ipū Road, and what the vision of Po‘ipū Road will be like. That is happening early May, so be on the lookout for that.

At our workshop, and we just got the draft report back from Mr. Charlier, and we will be distributing it, but as he mentioned, parking is like a balloon. If you push it in one way, it will pop out someplace else. You have to figure out a long-term solution for it, and we have to look at not only at affecting parking supply, but parking demand also. As Glenn Mickens and I had a dialogue about this, we need to provide more options for employees to get to work without a car. There will begin discussions on a Po‘ipū/Kōloa, maybe Kōloa/Po‘ipū/Kalāheo shuttle, and it will require the cooperation of the resorts, and I think the initial indications is that they are willing to work that. I think our Transportation Agency is a willing participant on that too. There will be two (2) ways to look at some long term solutions on this.

Mr. Kamen: Great.

Ms. Yukimura: Thank you very much, and I hope the whole Po'ipū/Kōloa community will get involved with this kind of long range solutions because we need their input on it. Thank you.

Chair Furfaro: Thank you, Terry. Mr. Bynum.

Mr. Bynum: Terry, thank you for your testimony today. You mentioned eight (8) years ago, I met Jim Charlier in Po'ipū, when he was doing a transportation plan. Remember those short-term fixes we were going to get done within a few months? Eight (8) years, and we have a history of doing a lot of talking. I think the good news here is that this Resolution coming to the County has spurred a lot of new activity all of a sudden. We had that workshop impromptu that Councilmember Yukimura put together in Po'ipū, and you are sharing that there was some really good dialogue there. What we do in the short-term about these parking issues does not address the long-term, and I think what the Chair is saying, whether it is Wailea or Ko Olina; Po'ipū is certainly in those categories, I would think in terms of a resort destination. They would not dream of parking cars on the main streets that people are moving. They do have pedestrian elements however, because all of those hotels have arrangements for their employees' parking. I believe in Wailea, it is with resort shuttle and common, shared parking areas. We certainly have all of those opportunities in Po'ipū. We just need to stop talking about things and actually make them happen, which is a difficult in the County of Kaua'i sometimes. I wanted to say this. I have not asked a question and I am supposed to, but I do not know that your solution of immediately eliminating all parking the parking is going to happen now. We will see, but I believe moving forward on these other issues and using that big right-of-way the way it is intended to be in a resort and commercial area is something that should be a very high priority for all of us. Would you agree with that?

Mr. Kamen: No.

Mr. Bynum: Okay.

Mr. Kamen: I am sorry. I am not used to the way the Council and the County works. I believe someone has to take action and get the ball rolling. As you said, eight (8) years, ten (10) years, and twelve (12) years; if you put up No Parking signs, you will get action. People will say, "Holy moly, they really did something. We better do something now." I remember twenty (20) years ago, I came to the Council and had the Council approve a twenty-five (25) mile per hour speed limit to that road. Cindy put it on the agenda, you guys voted for it—some of you voted for it. The speeding stopped immediately. Everyone stopped from fifty (50) down to thirty (30), maybe thirty-five (35). Sometimes people follow the twenty-five (25). It was immediate. It was not like "let us talk about it forever." You put it on the agenda, you voted for it, and it was done. You put the No Parking signs on both sides of the road, all the way down, and all the hotel people will start getting complaints from their employees. They do not want to lose their employees, and they will start looking at resolutions now, not long term. I know Charlier. I know how he works. I helped hire him. A lot of talk, a lot of money, and nothing gets done. The first step, is "no parking" and after that, everything else will follow because you will be creating a little bit of a crisis.

Mr. Bynum: Okay, two (2) things. First of all, in terms of Mr. Charlier, I have to say that you can lead a horse to water. Mr. Charlier is about

giving us opportunities. If our County does not move on him, we are responsible for that, not Mr. Charlier.

Mr. Kamen: Exactly, that is why I am trying to get you to pass the No Parking because we can talk about this for another few years.

Mr. Bynum: I hear what you are saying, Terry. You are saying to create a crisis, and crisis will get some action because the one (1) positive thing about crisis is because people are imitable to change.

Mr. Kamen: Yes, that is right.

Mr. Bynum: Thank you for your testimony.

Mr. Kamen: Thank you very much.

Chair Furfaro: Hold on, Terry. We have Mr. Rapozo for your, and then Mr. Hooser.

Mr. Rapozo: Thanks, Terry. So, where would these vehicles go?

Mr. Kamen: To tell you the truth...it is so complicated. If you take a look at first, the Transportation plan that we have...

Mr. Rapozo: No, I am not...hear me out and answer the question.

Mr. Kamen: Okay.

Mr. Rapozo: If we put up "No Parking" signs today, where would those cars go?

Mr. Kamen: I think tomorrow morning, they will finally turn around, talk to the Knudsen family and pay the lease rents, and park across the street.

Mr. Rapozo: That is not going to happen overnight.

Mr. Kamen: The deal was in the works but they backed out.

Mr. Rapozo: So they park across the street and there is not safety problem across the street?

Mr. Kamen: No, there is a parking area. They have already opened it up. It is all rocked and everything. It is sitting there. That is one (1) of the areas.

Mr. Rapozo: I am talking about the entire stretch.

Mr. Kamen: Okay, I will go area by area. The first thing, the biggest problem we have is we will start at Kukui'ula Shopping Center, where one (1) of the outdoor activity people keeps letting their people park across the

street, and they back into the street. Several years ago, one (1) of my friends sold a half acre piece of property to Marvin Otsuji, and Marvin talked to Rick and said, "Go in with me, we will put all of our cars in this parking lot." Rick said, "Why? Let them park on the street." I am naming name here. I am not holding back. If you go to Keoki's, they have told their people, "Go park on the street. Do not go in our parking lot. We do not have room." They do have room. They can valet park their employees. They could stack their cars. They could put them there. Right across the street, Welk Resorts just built a resort that is there. There is an empty parking lot that has been chained off since 2008. It has been sitting there. They could immediately talk to Welk Resorts and say, "Could we have a temporary until you guys get going and park our thirty (30) cars in there?" There is empty room right there. At night, there is an empty golf course parking lot. There is no one in the parking lot. You can fit seventy-five (75) to one hundred (100) cars. Down the road from Keoki's people could park there and either walk down the road or Keoki's can shuttle them down.

Mr. Rapozo: This Resolution is only from Pe'e to the Hyatt.

Mr. Kamen: Yes.

Mr. Rapozo: Not down...

Mr. Kamen: I am telling you to change the Resolution and solve the problem for now and create the crisis for now.

Mr. Rapozo: No, I guess my question is, as this Resolution is you are asking us to pass—the only no parking area is going to be on Po'ipū Road between those areas, not Kiahuna Shopping Center.

Mr. Kamen: I am talking about solving the whole road issue.

Mr. Rapozo: We cannot do that with this Resolution is what I am saying.

Mr. Kamen: I understand. I am giving public testimony because they said you are here and you should. That is why I am giving you public testimony.

Mr. Rapozo: I am talking about Po'ipū Road. Right in front of that subdivision...

Mr. Kamen: From Pe'e, all the way down to the Hyatt Regency.

Mr. Rapozo: If we put up no parking signs...

Mr. Kamen: Both sides, that will solve the problem for the neighbors that live down on that end. The Hyatt employees will not park there anymore.

Mr. Rapozo: Where would they park is what I am asking?

Mr. Kamen: They would park on the other side of the Hyatt or in the Hyatt parking lot, or in front of the Hyatt. It is the Hyatt's employees. They can take care of them. I have had discussions with Stella Burgess about this and she said, "I cannot get my employees to go park down at the other end. They do not want to walk." That is what she said to me, and if she has the hammer and told them not to park there, they will park where they have employee parking. They have room for them. They just do not want to park on the other end.

Mr. Rapozo: Well, the Hyatt is opposed to the No Parking.

Mr. Kamen: Of course. They do not want to do anything that is going to make their employees uncomfortable. I am saying, if you want to solve the problem, you have to make your employees a little uncomfortable and change their habits.

Mr. Rapozo: Okay.

Chair Furfaro: Mr. Hooser, you have the floor.

Mr. Hooser: It is my understanding that the Resolution before us bans parking on the *makai* side of the Po'ipū Road from one hundred and fifty (150) feet, from the entrance of the Hyatt to Pe'e Road. That is what is on the table right now. Correct me, but people right now park on the *mauka* side in that area also?

Mr. Kamen: Yes.

Mr. Hooser: Okay. If this Resolution passed, there would still be able to park there?

Mr. Kamen: Yes.

Mr. Hooser: Okay. It is clear. Employees could still park there...

Mr. Kamen: Across the street, yes.

Mr. Hooser: I was on the committee with you, actually, that day, and it is real clear to me from all of the discussions that the overwhelming majority of the people parking there are employees. Everybody admitted that. However, there are public events that need parking sometimes, and would the community be open to allowing parking on special occasions when there are concerts and stuff?

Mr. Kamen: I think the No Parking should be waived during special public events when there is going to be a lot of people in the area. We will just have to take the safety risk at that time. There is no way to take care of two thousand (2,000) cars coming to Po'ipū.

Mr. Hooser: You are in the area far more than I am since you live right there. As you drive up Po'ipū Road towards the Hyatt, rather than driving into the Hyatt and you keep going to Māhā'ulepū I guess.

Mr. Kamen: Correct.

Mr. Hooser: There is an area in front of the Hyatt on the *mauka* side—I think that is still Po‘ipū Road, right? People could park there but they do not? Is that correct?

Mr. Kamen: What has happened that I just noticed is that they put a rock in front of the Hyatt, and now people are parking in front of the Hyatt. I am guessing the Hyatt must have done that. I do not know. It was something new I just saw the other day. There were people parking right in front of the Hyatt on the other side of the street.

Mr. Hooser: On the *mauka* side?

Mr. Kamen: Yes.

Mr. Hooser: So they are using that parking?

Mr. Kamen: Yes, they are starting to.

Mr. Hooser: Is there a parking place further on the Māhā‘ulepū side that the Hyatt used to have people park?

Mr. Kamen: Yes, there is a parking lot over there that the Hyatt prepared for their employees, but their employees did not want to park there because it was easier to park on Po‘ipū Road.

Mr. Hooser: Okay.

Mr. Kamen: That is what I was told.

Mr. Hooser: I think that is a discussion that...I was at the same discussion with the representative from the Hyatt, and she did say that they were very frustrated because they are trying to get their employees to park there but they are not.

Mr. Kamen: Right.

Mr. Hooser: Thank you. Thank you, Chair.

Mr. Kamen: Thank you very much.

Chair Furfaro: Terry, you have questions from specific Councilmembers directed at you. Mr. Kagawa.

Mr. Kagawa: Aloha Terry. Thank you for your testimony. I was also in a group with someone who felt almost exactly like you, Roy Thompson, who is my golfing buddy. He basically said he runs a Kiahuna hotel. He has adequate parking for his employees. Why does every other hotel not take care of their employees? He thinks it is an eyesore and dangerous for pedestrians and bikers. I guess I just wanted to let you know that I can see both sides of the issue. I am just kind of worried, if we do it right now, and how we would affect other areas, such as these guys might be parking in the beach park or in other residential areas. I just wanted to ask you if you thought maybe another option would be if we send a letter from the Council to the Po‘ipū Beach Resort Association and asked them if

they could really seriously look into some of these suggestions that we have as far as taking care of their employee parking. Otherwise, we will be coming with a resolution.

Mr. Kamen: I totally agree with you, but I do not think telling them will get them to work harder. I think by saying—this Resolution you have, that is not the Resolution—that only takes care of part of the problem between Pe‘e and the Hyatt. I would expand that Resolution.” All of Po‘ipū is going to be “No Parking.” It is going to start this day and we are going to pass it.” You can give public testimony, but we would like you guys to come back with a solution before it comes up for a vote, and then give them the hammer and say, “This is a problem. It is just a matter before someone else gets run over. Let us take care of the problem, guys. Let us make Po‘ipū beautiful and first-class, and let us all pull together.” They do not seem to act unless they have to. It is unfortunate, but that is the way most people are. You do not act until you have to, and you guys are the only guys that have the hammer to make them understand that this is serious, because right now it is just talk. It has been talk for years, and years, and years and years. The reason I came in—I have no axe to grind. No one parks in front of my house, and it has almost nothing to do with me, but I feel strongly that we should do something for safety’s sake and look’s sake. You guys are the hammer. I just talk.

Mr. Kagawa:

Thank you.

Chair Furfaro: Thank you, Terry. I would like to refer to the fact that we are not the hammer, but we should have influence over this. The action should be organized by those resort hotels, first and foremost. I have no problem sending a correspondence requesting and using whatever influence I have to get them to organize and do something.

Mr. Kamen:

Thank you, Chair. I appreciate it.

Chair Furfaro: Thank you, Terry. Okay, our next testifier is up. You need to introduce yourself.

KATHY BEDWELL: All right, I will. I am Kathy Bedwell and I live in Bayview. I have owned that property since 1983. I finally got around to building a house. My backyard is on Po‘ipū Road and front yard is on Keleka. The employees are parking behind my house, and it is a safety issue. I do see the runners. They come from the Hyatt, and they start at 5:30 a.m., and they are not going to go on the *mauka* side. They are going to run on the grass side, on the *makai* side of the road because it is all nicely grassed. The employees—then these people are in the street, and they are coming with baby carriages. Terry is right. They are coming with baby carriages, and with little kids walking and they are on vacation. They are out there on a day trip and they are just enjoying everything. It is twenty-five miles per hour (25 MPH) zoned street, but it is not enforced. I swear they are going forty (40) to fifty (50) when they turn left from the bypass road going to the Hyatt, especially the trucks. When Mr. Ross Kagawa mentioned about beach access, between Pe‘e Road and the Hyatt, no parking there; there is no beach access on that area. You will be going through residential and there is no way to get to the beach parking in that area. If you go Pe‘e Road down by the point, and there is no beach. The only beach there is Shipwrecks beach, which is way too far way for people to walk from there down to where that small parking area is. I think it is about twelve (12) stalls that they have at the park at Shipwrecks Beach, which is

not enough. I know it was supposed to be a five (5) acre park, but now it is a one (1) acre park with twelve (12) spots, instead of a five (5) acre park, which it should have been. That is my main concern, but the egress/ingress is a problem. I have almost been nailed several times, and I am just trying to turn right on Kaleka to go down to Po'ipū Bay to play golf. I cannot get out of the street. There are big trucks, and the local people have the big wheels and big trucks, and I have got a little car and you cannot see by. It is a safety issue. I do have some problems when they do park there overnight, but that is, which I am told by Terry, that that is not really a safety issue because that is a Police issue, but I have had people with the trucks parked there, climb over my back fence in the middle of the night at 3:00 a.m. and go use my swimming pool. That is why I put in the motion lights and they help. Now I have got these big flood motion lights facing Po'ipū Road so that when they come over and they trespass.

Chair Furfaro: Are there any questions? No questions?
Thank you very much.

Ms. Bedwell: Thank you.

Chair Furfaro: May I ask you, have you filed any police reports on the trespassing?

Ms. Bedwell: Yes, I called and complained about the ingress/egress, and I was told by a nice sergeant that he could do nothing because I wanted to know how far away they had to be from the intersection.

Chair Furfaro: No, my question to you is those that have gone over the fence to use your pool. Have you filed a trespassing complaint?

Ms. Bedwell: No, I did not. I found the beach towels in the morning. I did not know whose it was, but I did hear some people parked right behind me. I did call 911 about four (4) months ago. Somebody was beating up a lady.

Chair Furfaro: Okay, so no documentation on the trespassers?

Ms. Bedwell: No, I did not.

Chair Furfaro: Okay. Thank you. Members, I would like to call the meeting back to order and I would like you to know that Mr. Dill had a conflict and appointment. I thought we had enough dialogue with him earlier, but his request is to receive this Resolution, and that is what we are asking for or looking for from his written document.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Are there any further discussion? Go ahead
Mr. Rapozo.

Mr. Rapozo: Thank you. Yes, I made the motion to receive, because I think it is the appropriate thing to do. We already heard from Mr. Dill that it is going to come over substantially different. I believe it is going to

be addressing the egress/ingress as was actually testified to. We do have written communication from Kaua'i Police Department and, in fact we have one dated March 1st as well as one dated January 14th, and both clearly state that their traffic officers went out and did an analysis and found that there is no safety issue. If you applied the argument that a while back somebody got hit, we would basically be putting up no parking zones on every public street because accidents do occur, and it is unfortunate. I believe that the motivation for the Resolution was not for safety, but more for beautification, and I do not think this Council wants to start setting that precedent. As more communities get developed, then we will be petitioned to create more no parking zones. I agree, the hotels need to get their employees to park on their property or provide parking. If the hotel is saying, that they have having a hard time, I think it is a hotel policy. It is very simple. You create a policy that says if your car is parked in the non-employee area, then you are written up, but I do not believe we should punish everybody because the hotel cannot control their workers and where they park. It is not just hotel workers who park there, and I think Mr. Kagawa was not talking about beach access in the sense of providing beach access. What I heard was that he did not want hotel workers to park at beach parks and take away parking from our beach users, and then be shuttled up. I do not believe the County should appropriate our community County stalls or public stalls for employees parking or a private business, period. I am hoping that the Resolution, when it comes back, when it comes up in a couple of weeks will clearly designate the areas of Po'ipū Road that are not unsafe, and it is ingress/egress. Whatever that sight distance is, and I know the Kaua'i Police Department went out with their measuring devices to determine what that space is and it has to be that way. We cannot set a predetermined ten (10) feet, fifteen (15), because every single intersection is different. As we move forward, KPD is going to have to go out and tell us and Public Works, at that specific intersection, the safe sight distance is eighteen (18) feet or twenty (20) feet, and that is where the no parking sign will go. It has to be tied back to an analysis done by the expert, which in this case is the Kaua'i Police Department. I will support the receipt and look forward to a Resolution more tied to safety than beautification. Thank you.

Chair Furfaro:

Okay. Any further discussion? JoAnn.

Ms. Yukimura: I think this discussion illustrates how difficult it is to solve parking problems, and how we need to expand the options of solutions. I know Terry mentioned that the solution is to create more parking lots, and I believe the Hyatt did investigate the possibility, but the Planning Department told them that you cannot just open up a gravel lot because it is about dust, noise, and safety, too. It is a very expensive proposition to provide proper parking. One of the issues for the resort association, which I believe does have to take a part in solving this problem, is do they spend money investing in more parking everywhere, so that people just continue to depend on cars? Or do they invest it possibly as a jointed effort with the County and with other resorts in creating a shuttle system that will be an economic asset to the whole community. It may be a cheaper way to deal with this problem, and it will achieve multiple goals from safety to employee well being, to esthetics of a world class resort. I think we really need to look at these long term solutions because the short term ones are both really expensive and do not end up being solutions in the long run. As a temporary measure, I think we do need some parking management and control, so I look forward to Public Works coming back to us with at least an interim solution.

Chair Furfaro:

Mr. Hooser, you have the floor.

Mr. Hooser: I am prepared to accept the Resolution as it is put forward today, eliminating parking on the *mauka* side from one hundred and fifty (150) from the Hyatt entrance to Pe'e Road. I am also willing to listen to what the Department of Public Works has to offer. I believe that should be treated as any public testimony would be treated, and be offered up, and then we decide whether we want to amend it, rather than kill this measure and put theirs on the table. I think if there is a process, I would prefer the process to be...unless we are going to pass this today as-is or with an amendment to defer it, rather than receive it.

I participated in a very meaty, robust discussion at the workshop that I mentioned earlier, involving the Hyatt. The same individual who submitted her testimony to us. Other resort people and members of the community. It was clear to me that everybody at that meeting, the resort people and the community people, agreed on two things. They agreed that employee parking is the issue, and they agreed that there is sufficient parking right now, except that the employees do not want to park there for whatever reason. I do not know if it is convenient, but there is parking available. It was also agreed that the Hyatt had other options if they wanted to pursue them. I believe this is a safety issue. It is an issue of security to those neighbors to a certain extent. I would be willing to, again, pass this issue today, and/or prefer a deferment over a motion to receive. Thank you.

Chair Furfaro:

Mr. Kagawa.

Mr. Kagawa: Thank you, Mr. Chair. I will not be supporting the Resolution today. As I stated earlier, I prefer a comprehensive analysis of this whole situation, the whole stretch by the Po'ipū Beach Resort Association, and they also working with the Department of Public Works and the Kaua'i Police Department to give us an overall plan. "Should we do a no parking here? Not do a no parking along the rest?" I think there are valid points to both sides, and I would prefer like the Chair said at Wailea, have the hotel association in that area all come up with an overall solution for us. I think that would be one that would work the best. Thank you.

Chair Furfaro:
Mr. Bynum, go right ahead.

Are there any further discussion?

Mr. Bynum: I think it is kind of cool that several weeks ago, we get these fairly routinely, and this Council never treats anything routinely, and that is a positive thing. We have started this dialogue, but the fact is that this dialogue happened eight (8) years ago. The resorts out there hired one (1) of the best Transportation Planners in the State, and put together a very—or in the Country, put together a detailed proposal, and there were some intersection changes that were supposed to happen within four (4) or five (5) months, and then it prioritized and one of the things was a discussion was Po'ipū is begging for a resort shuttle. It works there. It can work there. It has in the past. The hotels are actually losing a market share of visitors who want to come to Po'ipū, but cannot drive, choose not to drive, and without that kind of resort shuttle, they are stuck. It is pretty clear to me that the main collector road of Po'ipū Road, long term, should not have parking on it. In any resort area, the main collectors that get from the hotels and visitors go to shopping at Po'ipū Shopping Center, the joggers that this woman mentioned, that are very common in any resort area. Right now, they are jumping around cars on gravel, and this is our premiere resort. You would think we would want to prioritize addressing these issues. I am a little compelled by what Mr. Kamen had to say today and it is like we talk, we talk, we talk, and like

Charlier said, "Somebody restricts parking over here and it balloons out over here." Maybe creating a crisis and taking at least the most congested area, and doing something a little more is a good idea. I will keep an open mind and look forward to this issue coming back in a few weeks. I am also interested to hear that Public Works is looking at a "Complete Streets" kind of plan for that Po'ipū Road. I cannot think of a bigger win-win-win than putting pedestrian elements in these kind of areas like the bike path has done in Kapa'a, which created additional safety for citizens and visitors, and created more economic opportunities and vitality in the area. That is the area we should look at long term, but in four (4) weeks, we are going to have short term, "Do we do a little bit? Do we do a little bit more? Or do we do what Mr. Kamen is suggesting?" Really eliminate the driving and create a crisis, because especially for those hotels. The Hyatt, I heard, has parking but the employees will not use it. Koa Kea does not have parking, right? Kiahuna does for their employees. There are a number of different circumstances. Those are my comments. I do not know how I am going to vote on this. I am going to wait and get more input in four (4) weeks. Thank you.

Chair Furfaro: First of all, I want to say that I am a little concerned with the fact that everybody comes and says, "Well, our employees do not want to park there." Every hotel that I have ever worked in has a designated employee parking area. It is in your employee manual, and if you fail to abide the employee manual, you get reprimanded. That is how it works. We better go back and rethink. A hotel is driven by standards. That is why you have brands like the Grand Hyatt, St. Regis, Sheraton. They have standards, and parking for their employees in a designated area can simply become a standard. If they do not comply to it, there is a corrective action process that may involve a reprimand. That is where it starts. They have to buy into a policy. They have to buy into a plan, and it might be short term and constantly be making improvements. I want to give the Building Department the opportunity to rethink this. Receiving it to me is an opportunity to have deeper discussion about what I just said, which it is not an employee choice. You set a policy, set the facilities, and then you ask them, as a condition of employment, to park in the designated employment area. End of story. I will be supporting this request to receive for the time being, but my patience is running out as well. If we do not get somewhere soon, maybe we have to go to Terry's no parking plan. Mr. Rapozo.

Mr. Rapozo: I apologize. I did not mean to speak before you. What I had said is that I would like to speak after everyone had their first time. One of the words that came up from Mr. Kamen and then repeated by Mr. Bynum, which is what is triggering me to speak is, our job is not to create a crisis for anybody. That is not the Council's job. We do not be the hammer for a particular group. That is simply not our job. Our job is to do what is best for an entire community, so I just want to make sure that the perception in the public is not that, "Okay, what we want to do is create this crisis, so that the hotel employees will go park in their parking lots." That is not our function in the County. That is not our function, and I want to make sure that we all understand that. We are not the hammers for special interests groups. That is not what we do. I worked for a hotel, part time, Mr. Furfaro and if I parked in an area that is not allocated or designated, you get written up, and then you get suspended.

Chair Furfaro: I think I am familiar with the place you park in.

Mr. Rapozo: Yes, it was probably your policy that you created thirty-eight (38) years ago. My point is that we are not going to use a County Law and utilize our authority to create legislation to benefit a segment of the community; one small segment. I think that is where I think we need to be very careful. This is an issue that—and believe me, I will probably on the lunch break, I will be calling the Hyatt and finding out why they are not enforcing their employee parking policies, because if it is the Hyatt's desire to get the cars off the road, they can do it with one E-mail. I just do not know what the real issue is down there, and I will call them on the lunch break. My point was that we do not create crisis's as a way to change behavior in small neighborhoods. That is simply not our tasks. Thank you.

Chair Furfaro: Thank you for recognizing my comment, but we can use influence, not power. JoAnn.

Ms. Yukimura: While the two (2) Resolutions before us focus primarily on employee parking, the analysis even at the workshop that we did indicated that the main problem was employee parking in those areas. They are not the only parking problems in Po'ipū, and I think Terry mentioned the one (1) by Kukui'ula Market, which involves a small business and customers. Even the restaurants in the Po'ipū Shopping Center, I think, have more clientele or more cars from customers than they can really handle. As Mr. Charlier pointed out, if you look at the patterns of travel, you have people coming into the resort area, like us, who would go and eat at a restaurant, or you have people going out of the area, and you have travel within the area. People from Lāwa'i beach going to the Hyatt for dinner, or people from the Hyatt going to Kukui'ula Shopping Center, and you and you have all these kinds of cross-traffic. He also pointed out that when Kukui'ula is built out, that will be another ten thousand (10,000) trips daily, and Kiahuna has about that much zoning on built, as well, so that is another ten thousand (10,000) trips daily. They will also send many people to Po'ipū Beach Park, which is about County parking for beach park purposes. In looking at the future growth of that area, I do not think parking lots are going to solve the problem, or no parking zones and that is why we have to look at the larger picture. I think I have said enough about that, but it keeps coming back, that if you look at the larger picture, there are actually opportunities to give more options. Mr. Charlier also pointed out the new norm for resorts is placed for active visitors, or people who want to walk and bike, and do not want to get in their cars which they do when they are back home, going to and from work. It is about really looking ahead, and seeing the opportunities for win-wins in all of this.

Chair Furfaro: Okay. Anymore commentary before I ask for the vote on the motion to receive? If not, can we do a roll call vote?

The motion to receive Resolution No. 2012-55 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Bynum, Kagawa, Nakamura, Rapozo,	
	Yukimura, Furfaro	TOTAL – 6,
AGAINST RECEIPT:	Hooser	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: I will be tracking this with the Engineering Department, and anything beyond six (6) weeks will be unacceptable. I want to go to a first reading item, and then I want to go to the *keiki* development piece.

There being no objections, Proposed Draft Bill (No. 2469) was taken out of the order.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2469) – A BILL FOR AN ORDINANCE AMENDING THE GENERAL PLAN DESIGNATION FOR THAT CERTAIN AREA LOCATED IN PUHI, KAUAI, HAWAII AND IDENTIFIED AS TAX MAP KEY NO. (4) 3-8-002:016. (*Island School, Applicant*) Mr. Rapozo moved for passage of Proposed Draft Bill No. 2469 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 10, 2013, and referred to the Planning Committee, seconded by Mr. Hooser, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura	
	Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: I would like to turn over the next portion over to Vice Chair, if you could take us through the Keiki to Career Youth Program.

There being no objections, C 2013-99 was taken out of the order.

COMMUNICATION:

C 2013-99 Communication (01/03/2013) from Council Vice Chair Nakamura, requesting the presence of Diane Zachary, President and CEO of Kaua'i Planning & Action Alliance to provide a progress report and update on the Keiki to Career – Workforce Readiness, Comprehensive Economic Development Strategy (CEDS) Project.

Ms. Yukimura: Mr. Chair?

Chair Furfaro: Yes?

Ms. Yukimura: I just wanted to say that I will be recusing myself out of a possible conflict of interest because I am on the Leadership Council for the Keiki to Career Initiative.

Chair Furfaro: Yes, thank you. I did see your note and I forgot by error to recognize that you made that declaration.

Ms. Yukimura: Thank you.

(*Ms. Yukimura was then noted as recused.*)

Mr. Kagawa moved to receive C 2013-99 for the record, seconded by Mr. Rapozo.

Ms. Nakamura: So just by way of background, this is one of the projects that the County Council funded that is part of our Comprehensive Economic Development Strategy, and I would like to call George Costa, Office of

Economic Development, and Diane Zachary of the Kaua'i Planning and Action Alliance to provide today's briefing. Thank you for being here.

There being no objections, the rules were suspended.

GEORGE K. COSTA, Director, Office of Economic Development: *Aloha* Council Chair Furfaro, and honorable Councilmembers. For the record, George Costa, Director for the Office of Economic Development. We have been here for several weeks in a row presenting various CEDS projects and updates. All of them have great merit for economic development opportunities. I just want to say that here is one that really touches all aspects of our community. This is a project that I personally, firmly believe in and would like to see a lot more participation in our community. For now, I believe Diane Zachary of the Kaua'i Planning and Action Alliance is doing a great job in bringing together various facets of our community, and really addressing some of our social needs and concerns. What I would like to do is call upon Diane, if you could please provide your update.

DIANE ZACHARY, Kaua'i Planning and Action Alliance: Thank you so much, George. Diane Zachary with the Kaua'i Planning and Action Alliance. I have to say that it has been great to work with George on this project, as well as the other CEDS projects, and so this particular one is very near and dear to my heart. I am really pleased to be able to talk about it with you today.

Chair Furfaro: Excuse me, Diane. I am going to move, that is why I turned this over to Vice Chair Nakamura.

Ms. Zachary: In January of 2011, there was an article that came out in the Stanford Innovation Review, and it was very inspirational to me and turned out to inspire a lot of other people. It was called "Collected Impact Creating Large Scale Social Change," and since I have been involved in social change and collaborative experiences for many, many years, I was really excited to see, "What can be possibly different about this?" The premise of it is that if we work collectively with a common vision, common mission, and common goals, but at the same time, a commitment to continuous improvement, that we can really move the needle. We achieve large scale social change.

There are five (5) key features of an activity that is really considered to be collective impact. It has this common agenda. It has shared measurements, so everybody is kind of measuring very similar things in similar ways, so that you really know what kind of progress that you are making. Activities are designs so that they are mutually reinforcing. One really contributes to the success of another. There is continuous communications, so everybody knows what is going on, not just the people who were involved, but the public at large so that it is very transparent. Then the last aspect is that there is a backbone of support that is helping to coordinate all of the efforts, which is making sure that the communication is taking place; that those measurements are taking place.

We began meeting to see if people were interested in pursuing some kind of a collective impact activity, and they were very much interested and decided that we would focus on education. When we talked about it, we said, "Well, we really want to look at how does this not only benefit our community at large, but how does it really increase the workforce readiness of our young people?" We wanted to look at it from the cradle, all the way to the time that a young person entered a career, and so we said, "Let us really look at if this feasible?" This is a huge undertaking. It

has many aspects to it, and it includes not just dozens, but literally scores of organizations, plus parents, plus schools. "Is this feasible?" We were very fortunate to secure through the cooperation of the Office of Economic Development and the support of the Council, a CEDS grant, so that we could look at that exact topic. We wanted to identify what kind of framework would be needed to really support this initiative, what kind of indicators would help us determine whether or not it is successful, and we wanted to gather some data for our youth reports, so that we would know how our youth are doing. We also wanted to develop an inventory of the kind of support services that are already in existence for children and youth. There are actually many out there. We wanted to look at the opportunity for some multi-year funding sources that would support the work that we are going to be doing. Through this feasibility assessment, we wanted to determine what the next steps would be.

Why should we be worried about this? Why should we be so concerned about taking action, "Keiki to Career?" In the youth report that was developed, we found that about a third of their population is under twenty-four (24) years of age, ten percent (10%) of our babies have low birth weight, four percent (4%) of our teenage girls are mothers already, sixteen percent (16%) of our children are living in poverty, six percent (6%) of our children are abused, six percent (6%) of our children have no health insurance, and while eighty-four (84%) of our students graduate on time; that is in a four (4) year period. When we have those same high school graduates going off to Kaua'i Community College (KCC) and wanting to take college level work; only forty-six (46%) of them are college ready in reading. Even more startling, only nineteen (19%) of them are ready for college level math. That gave us a lot of concern and we said something has got to change here. We started thinking about, "What is this continuum of learning that is really necessary for a young person?" Young people have stages in their development, and that segmented line in the middle of all of this shows those stages. Birth to kindergarten is such a critical stage in a young person's development. Some of the key parts of their learning take place during that earliest stage, and there is a huge amount of interest right now statewide in really supporting early learning. Then there is a transition that they go through to get into kindergarten, and so that kindergarten through grade three (3) becomes another immensely important time. There is research that shows that young students who are reading at grade level, by the time that they finish third grade will be four (4) times more successful academically than their peers who cannot read at grade level. In fourth (4th) and fifth (5th) grade, they are starting to mature and get ready for the critical transition to middle school, which is a really dramatic change in a young person's life, then onto high school, and post-secondly. When we say "post-secondary," the kind of things that happen there, whether it is going into college, into apprenticeship programs, into the Military, and to other kinds of technical training; there are lots of post-secondary opportunities that are available, and then finally into work and career. Here is that continuum. Often that takes place at school, but the development of a young person happens much more than just during school time. Family, peers, and community members are important contributors to their development, to their learning, and at the same time we have all of the kinds of childcare providers, out of school time programs, and health programs, nutrition programs, and social service programs who are providing important supports to not only the child, but to their families so that they can really develop successfully. We ended up calling this interrelated system of this continuum to support a family, peers, communities, and all the different providers, "The 'auwai." It takes place really a fluid, creative and dynamic state. It does not stay the same over time, it changes overtime. It moves in a forward direction, but without all of those

elements, the *'auwai* really is barren. It needs all of those elements working together for it to be a really dynamic ecosystem.

We decided relatively early on as we were thinking about feasibility, that this would be an initiative that would take place not just this year or next year or in three (3) years, but would probably take many years for us to really create a comprehensive system from birth through career. We said, "We cannot do it all at once. Let us focus on a few areas to start adding to those areas as we go along." We are starting with the parent and family engagement and education, really building resilience and life skills in our young people, focusing on the birth to grade three (3) element, and then also high school to postsecondary. Let me show you what that looks like if we are looking back again at *'auwai*. We are look at the front end of the *'auwai*, which is the birth to kindergarten and the back end on the far right side of the high school to postsecondary, looking at readiness and making sure that the curriculum is aligned so that they are successful, but resilience in life skills, that is throughout their development, all way from birth to the time that they go to work. Parent and family engagement should not just be in the early years, or not just be for sports activities. That needs to occur all the along that continuum.

We developed a structure so that we could get our arms around this fairly huge issue. "How do we start to look at all of these different things? We developed what we call "the Collective Impact Team," which was all of us together, and then formed four (4) committees. We had a Strategy Committee, which was really focused on the feasibility criteria and what would this anchor/backbone organization look like. Where would the funds come from? How do we communicate what we are doing? We had a Framework Review Committee that looked at, "What are successful frameworks?" "How would we organize ourselves and provide a recommendation?" We also had a data for decision making group that talked about indicators for young people, and finally one (1) that was looking at support services, trying to figure out, "What do we have already in terms of all of the supports?" "Where are the gaps?"

The Framework Review Committee recommended a "ready by twenty-one (21) framework," and that was adopted. This is actually a pretty exciting framework because it focuses on building leaders in the community who are willing to change the way we do business, which are willing to say that, "Listen, we want to be accountable. We want to make sure our system works." Leaders are not just elected leaders. They are not just the heads of organizations, but leaders come from all parts of community. People who are willing to step forward and say, "I want to change outcome for young people." Their task then is to make sure that the community at large supports that effort, so that the landscape of the community is really changed to make sure that *'auwai* has a robust system of services and supports for young people, so that the outcomes are more successful. The kind of numbers that I mentioned in terms of college readiness is dramatically increased. We have students who are much more college-ready.

There are four (4) buildings blocks that these leaders rely on, and they have served to kind of inspire us to think about, "How do we really move forward with this?" One (1) is thinking about broader partnerships. "How do we bring more people to the table, so that it is not just one (1), or two (2), or three, maybe even ten (10) organizations working together, but it is twenty (20), or thirty (30), or fifty (50), or one hundred (100), who are all working together in support of a young person's development?" At the same time, we want big goals. We do not want incremental change. We want to take some big steps, and we need to have good data and good

information, so that we can make the hard decisions about, “How are we going to meet those big goals?” “What are the bold actions that we can take to really move us forward?” Again, business as usual is not going to work.

You received a copy of the Kauaʻi Youth Report that we completed. That really gave us a lot of inspiration when we saw the numbers of the kind of needs that young people have from early ages, and all the way through high school. We wanted to be sure that many of those indicators are included in the future as we develop activities to move forward. We also completed—and I did not provide this, but I have a copy that can be for the record; this “Inventory of Services.” This is a fifteen (15) page document. It is amazing how much is happening out there, but not everyone is yet working together with a common vision, and a common goal, and so we are trying to change that. We developed a vision and a mission. Our vision is an island community where all of our *keiki* through young adults are healthy, competent, confident, and caring. The mission that we have as a group is really to unite the community, so that all together, we are nurturing and developing our young people, so that they are ready to learn and be ready for life. Academics is important. You noticed the word “Academic Achievement” is not there, but it is implied. So much of what we do as focused on test scores, but it is far beyond that. It is test scores plus the health, confidence, caring and competence of your young people, as sort of the whole child, if you will.

We had to figure out, “Okay, these are all great ideas; big mission, big vision, but is it feasible to do?” “Can we really accomplish this on Kauai?” We knew that we needed to have data that was going to show us that such a program was needed, that we needed to have support from service providers, support from preschools, the Department of Education, and KCC; that was really critical to this. It cannot just be service providers interested. We also needed support from parent groups. Parents would have to buy into this idea. We also needed to have enough organizations to support the work, which is part of the reason we did this inventory; agreement on the values, the vision, and the goals. People also had to be willing to gather data. That is not something a lot of organizations like doing. It is kind of hard work. People had to believe in the value of these shared metrics. Continuous improvement was critical. “Would people buy into the idea that we just do not develop it, and then it is done?” We develop it. We check to see if it is working. We revise it, and then we improve it. “Would people commit to something have that was multi-year, and not just one (1) year and it is done?” “Is there a backbone organization available to coordinate and funding for that backbone?” In moving through answering all of these questions, we found we had to do this.

The answer was absolutely yes, it was feasible. I know the writing on this is tiny, but there are four (4) key elements in us moving forward. The first is the feasibility assessment that I am reporting on that is on the far left. That has been completed. The next step was to do action planning and we are very near; very, very near completion actually of this action planning stage. We plan to actually begin implementation of this three (3) year action plan in April, and then on the far right, on the long term, we will be looking at the results for young people. Here are just a few of the many, many participants who have been participating in Keiki to Career. We have about twenty-five (25) to thirty (30) organizations that have been involved so far. On Thursday and Friday of this week, I am meeting with other stakeholders that have not been involved to-date, but who may be interested in joining and supporting, and I have gotten a great response from them. I know our numbers will be growing. We have a number of funding partners that have been put in place for funding the backbone and the Kauaʻi Planning and Action Alliance

has been identified as that backbone organization. The Department of Education, here on Kaua'i, has provided some funding. Certainly, the County of Kaua'i, Office of Economic Development in Fiscal Year 2012, which was for the Feasibility Study, and Fiscal Year 2013 for the implementation that is going to be starting in the next month. The Learning Coalition, which is a foundation out of Honolulu has provided support. The Marisla Fund of the Hawai'i Community Foundation, and Kaua'i Community College has all provided in-kind support.

For our next steps, we are getting additional program partners, as I just mentioned, which is the meeting with stakeholders, and we will be doing some community meetings in April. We are looking for additional funding partners into the future. We have to look beyond the next year or two (2). We have to think long-term. We are completing our three (3) year action plan. We are going to be sharing the plan and engaging the community on an ongoing basis, and starting that in April. We will be implementing the strategies in the plan, and looking at establishing our continuous improvements system. At same time, we want to be doing some training of our service providers, and those who are wanting to support us. There is some capacity building that we will be doing, and we will obviously be doing a lot of communicating and reporting this Youth Report that you saw. We will be updated, and issued on an annual basis through the measurement of our outcomes.

I wanted to give you a little bit of a teaser of what is in the action plan that is nearing completion. These are the outcomes that we are really looking at. We want children, *keiki*, who are kindergarten ready. When they get into kindergarten, they are ready. They already have the basic concepts in place, so that they are able to right away, start succeeding in kindergarten. We want students who are academically ready for each of those transition points, along the way of their development. We want students who are postsecondary-ready, so that they are ready for college level work. They are ready for "great technical training." We want them to be career-ready, so that when they get into the workforce, they show up on time, they are responsible employees, they know what their role is as an employee, but at same time, there is this whole aspect citizenship. We want students who are citizenship-ready, who are physically healthy and safe. They are socially, mentally, spiritually, and emotionally well. They are connected to their families and to their local global communities, and they are mindful, caring, compassionate, and that they are self-directed. The goals and the strategies that are included in our action plan are all focused on achieving those outcomes.

Before I conclude, I wanted to read a letter. This is an E-mail that I got from Bill Arakaki, who has been a key supporter in all of this. He says, "I am not able to be at the County Council Meeting, so I would like to express my support for the Keiki to Career initiative. This is a great opportunity to unite our neighborhoods and communities in supporting our families, students, teachers, administrators, and staff. This effort will leverage resources to assist our schools and helping our students become ready to learn, and be ready for life. The Keiki to Career vision, goals, and indicators for success are aligned to our State Department of Education Strategic Plan. It is a collaborative process with shared leadership by all segments to impact what we do for the future of our community for years to come. I am excited about the possibilities that will be generated and supportive of efforts in our schools. The old adage, "It takes a village to raise a child," comes to fruition with Keiki to Career. It is all about the children and families. We need everyone to come to the table and help us in this endeavor. *Mahalo*, Bill Arakaki."

With that, I am happy to answer any questions that you may have. We have a couple of people in the audience who have been a part of our action planning, and I am thrilled to have them here. One I know had to leave earlier, but happy to answer any questions that you may have.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: I saw your really neat interpretation of the transferring of and the fluid approach to using *‘auwai*, but for those who are not familiar with *‘auwai*, let us explain to them that, that is the Hawaiian aqueduct.

Ms. Zachary: Absolutely.

Chair Furfaro: It is a very fluid process, but you are moving resources as it progresses through this aqueduct; this Hawaiian *‘auwai*.

Ms. Zachary: Thank you for that explanation. The “Ready by Twenty (20)” uses the phrase “The Pipeline.” That did not work for us. We said, “Forget that.” For us, it is the *‘auwai*.

Chair Furfaro: I have one (1) more question, and then I will give it back to Vice Chair. There is some concern out in the community with a link missing in the pre-kindergarten step. Could you expand on that? That seems to be something that all of my daughters with my young children are currently really worried about.

Ms. Zachary: Yes, so there was—there is a recent change in the Law about when children can enter kindergarten. They have to be a little bit older now to enter, and I am sorry, I probably would say the wrong month if I stated the month, but they have to be a little older. Part of the reason of that, or the main reason that that changed happened was because they were finding that youngest children, some of whom could enter when they were still four (4), would be having a hard time. The way they developed mentally was not at the same level as their older peers who were already five (5). They said, “Let us change it and make sure that they are a little bit older before they are allowed to enter kindergarten.” That suddenly left a gap with parents. “What do we do with those children,” when the kids were really, mentally ready. I was thinking that they were going to be going. At the same time that that change was taking place, there has been a growing movement nationally, and absolutely here in Hawai‘i to focus on the importance of early learning. Before the Legislature right now, there are Bills to establish a program for four (4) years old, which would be like a State funded preschool for four (4) year olds. That would give them an opportunity to—for those who maybe could not afford to go to preschool. They will have that opportunity to go as a four (4) year old to preschool before they enter kindergarten. That should give them another boost, so that when they get into kindergarten, they are really ready because they start teaching a lot of concepts, already in kindergarten. We want them to get that and really be successful when they are there, because that will start of the process of them being successful along the way.

Chair Furfaro: Thank you for that explanation. Vice Chair, you have the Committee, so you can over.

Ms. Nakamura: Councilmember Bynum.

Mr. Bynum: Thank you very much for the presentation and the work that is going on. It looks like a really strong Committee with a lot of familiar faces there.

Ms. Zachary: They are amazing people, I have to tell you.

Mr. Bynum: What I took away from this after you did the feasibility; you want to focus on zero (0) to kindergarten, and then an additional focus on transition from high school to college. I just really want to applaud that, especially the zero (0) to three (3) component. If I just look at the twenty-two (22) years I lived on Kaua'i, when I moved here, I had a child who needed pre-school. None. There was a waiting list at every private preschool. Luckily, there were some outstanding in-home daycare people who really were focused on brain development and providing not just a place for the child to be. Then Head Start Preschool came in, and now it is threatened through sequester, budget cuts, and been whittled away at. "Tūtū and Me," came in, which was kind of like a traveling preschool program, but we also lost Healthy Start that I worked in, which was focused on zero (0) to three (3). We had an interdisciplinary team of public health, and Easter Seals. There is a lot of wisdom in what you are saying. The zero (0) to three (3) is when the brain is totally malleable. When I worked in Healthy Start, we found developmental voids in an eighteen (18) month old by doing a systematic assessment that the parent had not picked up, or our workers had not picked up. It was fairly minor, but we were able to get an intervention and have them mainstream in school. Without that intervention, they are special education throughout their whole years because by the time you—then you have the second period of kindergarten to third (3rd) grade, where the brain is still very malleable and it is very important to pick up any developmental delays or needs for different types of learning, because once you hit fourth (4th) grade, you lose a lot of opportunities. The brain now is kind of solidified. It does not have the flexibility and rapid learning capabilities that it had in the early years. Right when it is most important is where we have had the least attention, zero (0) to three (3). Do you agree with the things that I am saying?

Ms. Zachary: I absolutely do. I appreciate you stating that. I wanted to mention one (1) other thing, which is that the Governor has really been a big champion of early learning, and I am so appreciative of that. One (1) of the things that they have done is create the Hawai'i Early Learning Development Standards (HELDS), and it is a very comprehensive set of developmental standards for young children that the preschools are going to be using. Never before have the preschools had a curriculum that they would all use. It is not necessarily that they have to teach it in the same way, but children who go through their program are being expected now to have children who emerge knowing certain concepts, having certain skills, being able to make some decisions for them, being able to interact effectively with their peers. That just is another stepping stone, so that when they get into public schools/private schools, whatever they are going to do after that, they are even more successful. It is just such an exciting time to have all of these things come together.

Mr. Bynum: It is, and Governor Abercrombie was State Legislator when the Healthy Start program was started. It became at one point, in the State of Hawai'i, virtually every new family was visited by a home visitor and provided some level of assessment or services. That program almost totally went away, and is slowly being rebuilt. I am optimistic because Governor Abercrombie

knows the history in that. My only suggestion is that you keep that Healthy Start in that mix.

Ms. Zachary:

I just wrote it down.

Mr. Bynum: It is a unique program to the State of Hawai'i that has been implemented by thirty-four (34) other states. How ironic that we showed the leadership in the best prevention program that I have ever seen. I could sit here and talk about hundreds of specific examples where kids on Kaua'i benefited, and it is all gone. It all went away, but yet those thirty-four (34) other states are maintaining it. It is very much about a focus on zero (0) to three (3), so I suggest you to include all those folks in the mix. Thank you.

Ms. Nakamura:

Councilmember Kagawa.

Mr. Kagawa: Diane, I just want to thank you for your presentation, and for your work. I just have a few questions. Last year, I was not here. I do not know how much of we funded of your program. I just wanted to know whatever you requested last year, is that what we are requesting for this year, or requesting more? Do you have that number?

Ms. Zachary: For the feasibility assessment, I might have this wrong by a few hundred dollars, but I think it was thirty-one thousand, four hundred dollars (\$31,400.00) was the funding that we had for the feasibility assessment piece for Fiscal Year 2012. We were very fortunate for Fiscal Year 2013 to have a substantially larger allocation, and that the check is supposed to come next week. We have not received it yet, but it is coming, and that was ninety-nine thousand, six hundred dollars (\$99,600.00). I know George has put something into the Budget for the coming year, and I will let him mention whatever he wants to about that.

Mr. Kagawa: Are you ready to disclose that amount, or not yet?

Mr. Costa: No, I can. It is heading this way. You will see that is it forty thousand dollars (\$40,000.00), obviously a lot reduced. It is coming to the Council.

Mr. Kagawa: Okay. I guess my second question is Diane, is that going to be enough, as far as for the County and...

Ms. Zachary: Before I answer that, let me say that I know that it is a little bit groundbreaking for the County to provide funding for education, but I think of it as that it is not really education that you are funding at all; it is really, workforce readiness, which is looking at starting from a very early age to know that they are being developed sufficiently at that age, so that by the time they get into the workforce; they are really so confident in themselves, and have strong abilities and skills to offer. In that context, if the amount was higher, we would be delighted. I know though that the County Budget is—I do not want to be greedy because I know you have a very difficult Budget. If there is an opportunity of increasing that, it would be greatly appreciated. We have a couple other funding partners that have committed to the coming year. It is not yet sufficient for the Budget that we have, so any contribution that the County can make is appreciated.

Mr. Kagawa: Thank you. I guess I get the gist of it. Now, I just want to say that I applaud George for supporting the program. Our job at the County is to sometimes fill those gaps that we feel are important. I definitely know that your program does fill a big gap. You are trying to address a big gap. I just want to take this time and applaud all of our kindergarten teachers around the island because I have heard stories about how some kids are really not ready, and the time that the teacher has to give them are like working with ten (10) kids. When you get that one (1), equaling ten (10), and then you have another twenty-nine (29) in the class; it is like you have forty (40) kids. I really want to applaud them—I do not want to say that is the toughest job, but it just may be the toughest job being a kindergarten teacher. I just want to applaud a lot of them that really do a great job and work for very long hours. Hearing Governor Abercrombie's support for reducing it to the age of four (4), I really think that is a great idea; however, I just hope that he can take care of the current teachers' contracts, as well, first. When you expand the age, you want to make sure that you take care of what you are obligated first. I hope we can take care of everything, actually. Thank you. I do not know if you had any comments about that.

Ms. Zachary: I just wanted to comment that you made about kindergarten teachers. I absolutely echo that. I recently made a presentation to Delta Kappa Gamma, which is retired and active teachers about Keiki to Career, and I started by asking two (2) questions. First, "If you would have appreciated children coming into kindergarten more ready?" The second question is, "Would you have appreciated parents being more engaged in their child's education?" They just went nuts. They said, "Yes, yes, yes." They were very appreciative of having a focus on children being more ready for school, and parents being more actively engaged throughout their child's education. Thank you for those comments.

Mr. Kagawa: Thank you, Diane. Thanks, George.

Mr. Costa: Yes, I want to add something.

Chair Furfaro: Excuse me, George. I have to interrupt.

Mr. Costa: Okay.

Chair Furfaro: We need to wrap this up in the next five (5) minutes because we have a scheduled public hearing, on or about 1:30 p.m., which now, it looks like it is going to be 1:45 p.m.

Mr. Costa: Okay. I will be brief. I was very impressed when I first saw the presentation Diane had, and like you Chair, what really caught my attention was the *'auwai* concept, that flow, because on one (1) side, with Economic Development, in trying to diversify our economy and look at agriculture, it is that young age, kindergarten to third grade, which is when we can influence our young minds, and that there is an opportunity for agriculture. It is not just hands in the ground. The other thing that got my attention is that I helped chair the Mayor's Crime Task Force, and on the social aspect of things, we see that there is a leak in the *'auwai* where our youth are leaking out, and are involved with drugs and some other things. That is where I feel this program, too, can help close that leak and help us to get them really enthused and involved in helping prepare them for the future.

Mr. Kagawa: Thank you. I would like to note that I saw Mason Chock up there with Leadership Kaua'i, and he is also working with Kapa'a High School, and you have some really great people that you have on your board, so I really support your program. I think that there is going to be a lot of good things to come. Thanks.

Ms. Nakamura: In the interest of time, I am just going to hold back my questions, and I can talk off line.

Chair Furfaro: Mr. Hooser, do you have anything to add?

Mr. Hooser: No.

Chair Furfaro: Mr. Bynum, anything more?

Mr. Bynum: Thank you.

Chair Furfaro: This is very impressive, and I am glad I mentioned the question about this pre-kindergarten piece because I think it is a concern out in the public. Many parents want to keep that continuity, but yet if they have children born in February or March, they are caught with maybe a four (4) or five (5) month gap before they can actually get started. It is great to see that the Governor has recognized this important value in our community, and the timing is critical to the most successful students going forward. I need to ask if there are any public comments before we close this. Do you have anything else that you would like to share with us on your presentation?

Ms. Zachary: I just want to close by saying that the continuing support of the Council will be important, but for the community at large; I have to tell you that we are so excited to start sharing this more broadly with the community so that...just as Bill Arakaki said in his letter, "We all are a part of that village that is stepping forward to really care for our *keiki* through their career."

Chair Furfaro: Yes, very good. Thank you very much. Anyone in the audience? No, okay. I would like to ask if we could receive this.

The motion to receive C 2013-99 for the record was then put, and unanimously carried.

Chair Furfaro: We are going to break for lunch and I want to remind everybody to not come back later than 1:45 p.m. We do have a public hearing scheduled, and then we are going to go to the Coco Palms Resolution.

There being no objections, the meeting recessed at 12:45 p.m.

The meeting reconvened at 2:04 p.m., and proceeded as follows:

Chair Furfaro: To the Clerk's Office, before we went on recess, I indicated that I wanted to cover the Public Hearing, and then I wanted to go to the Resolution introduced by Mr. Hooser regarding the Coco Palms Resort. I would like to have the item read. I know it is several pages long. I would like to extend to Mr. Hooser, the courtesy to take testimony on his Resolution.

There being no objections, Resolution 2013-40 was taken out of the order.

RESOLUTION:

Resolution No. 2013-40 – RESOLUTION SUPPORTING A COMMUNITY BASED PLANNING PROCESS FOR THE COCO PALMS PROPERTY AND THE GRANT IN AID REQUEST PENDING AT THE HAWAII STATE LEGISLATURE

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: We have one (1) registered speaker, who is Jennifer Luck of the Hawaiian Islands Land Trust.

Chair Furfaro: Clerk, may I please have Resolution No. 2013-40 read?

Ms. Fountain-Tanigawa: “Resolution Supporting a Community Based Planning Process for the Coco Palms Property and the Grant In Aid Request Pending at the Hawai‘i State Legislature.”

Whereas, the Coco Palms property in Wailua, Kaua‘i is one (1) of the rare sites in the Hawaiian Archipelago that has held its cultural and historical importance over many years; and whereas, in ancient times, the area around the mouth of the Wailua River included a group of sacred sites that includes perhaps one of the oldest *heiau* on Kaua‘i, and has served as a place of refuge and for centuries was a royal center and home to great Chiefs, among them Queen Deborah Kapule; and whereas, the area surrounding the Coco Palms property extending *mauka* and across the Wailua River contains numerous sacred *heiau* and other places of archeological, cultural, and historical significance; and whereas, the Coco Palms property was a central gathering place for visitor and *kama‘āina* alike, and became increasingly popular and the focal point of worldwide attention with Elvis Presley’s 1961 Blue Hawai‘i; and whereas, through her talent, charm, and business acumen, Grace Guslander created the Coco Palms Hotel, which elevated the romantic image of the isles; and whereas, the Coco Palms Hotel holds many fond memories for generations of local families who worked, entertained and who share both friendships and common memories with the thousands of loyal visitors over the years; and whereas, the devastating effects of Hurricane ‘Iniki in 1992 has left the property to lay in ruins, desecrated and untouched for over twenty (20) years; and whereas, today, the property is a blight on the landscape of our beautiful island, a constant reminder of the devastation of Hurricane ‘Iniki, and an unattractive, unsafe nuisance that negatively impacts our economy; and whereas, while there have been numerous discussions and proposals by developers proposing to do something worthy at the property, no action has been taken; and whereas, the people of Kaua‘i value this place and have grown weary and frustrated by the inaction and disrespect shown to this very special place, it is their desire to develop a community based plan that honors and respects the history and culture of the property and benefits the community; and whereas, the Hawaiian Islands Land Trust is committed to working with the community and with government and private sector partners to protect lands that will sustain us for current and future generations; and whereas, the “Friends of Coco Palms”, an ad hoc committee of community residents that has kept the conversation alive and encouraged the participation of public and private partners in the appropriate development of this special property supports the efforts of the Hawaiian Islands Land Trust to develop a community-based plan for the Coco Palms; and whereas, potential public and private partners have expressed an interest in supporting the community’s desire to protect, preserve, and perpetuate the historical, cultural, and recreational importance of this place, but have asked “What is the plan?” and “What does the

community really want?"; and whereas, ideas for development and use of the property are diverse and have yet to be fully explored, but include the development of a Hawaiian music and entertainment venue, a central community gathering place, museums, educational facilities, cultural facilities including *hālau* and canoe *hale*, park land, *kūpuna* facilities, and dining and accommodations—and much more, which is only limited by the imagination and dreams of the entire Kauaʻi community; and whereas, the Hawaiian Islands Land Trust acknowledges that the only successful plan for this very special place is one that involves the entire community, explores all options and includes a financial analysis sufficient to answer the basic questions of potential public and private partners; and whereas, the Hawaiian Islands Land Trust has submitted a two hundred seventy-six thousand six hundred fifty dollar (\$276,650.00) Capital Improvement Project Grant In Aid Request to the State Legislature to facilitate a process that will reach out into the community to gather input, perform a detailed site assessment, and prepare a community development plan that includes a purchase and funding plan; now, therefore, be it resolved by the Council of the County of Kauaʻi, State of Hawaiʻi, that the Kauaʻi County Council recognizes the cultural and historical significance of the Coco Palms property. Be it further resolved, that the Kauaʻi County Council shares the public's concern and frustration over the continued deterioration and the lack of action to improve the property over the last twenty (20) years and seeks to see it revitalized for the public's enjoyment. Be it further resolved, that the Kauaʻi County Council supports a community based planning process and the efforts of the Hawaiian Islands Land Trust to conduct this process and ultimately acquire the Coco Palms property to the benefit of the public. Be it further resolved, that the Kauaʻi County Council strongly encourages the Hawaiʻi State Legislature to approve and fund the Hawaiian Islands Land Trust's Grant In Aid Request. Be it further resolved, that the Kauaʻi County Council requests all residents and visitors of Hawaiʻi who share its deep love and concern for the Coco Palms property, to join them in support of this worthwhile endeavor. Be it further resolved, that copies of this Resolution be sent to all members of the State House of Representatives and State Senate, Governor Neil Abercrombie, Mayor Bernard P. Carvalho, Jr., and Planning Director Michael A. Dahilig. Introduced by Councilmember Gary Hooser.

Chair Furfaro: Thank you. Mr. Hooser, as I said earlier, I will turn the testimony portion over to you as this is your Resolution. Our first speaker was Jennifer Luck. Is that correct?

Mr. Hooser: Yes, thank you. Good afternoon, Jennifer, and thank you for your patience. Thank you for being here.

There being no objections, the rules were suspended.

JENNIFER LUCK, Kauaʻi Island Director of the Hawaiian Islands Land Trust: Thank you, Councilmember Hooser for introducing this Resolution in support of our Grant In Aid. For over twenty (20) years the private sectors had the opportunity and time to restore the Coco Palms hotel to its previous glory. For over twenty (20) years, residents of Kauaʻi have waited to see the dilapidated buildings be torn down and new construction begin. For over twenty (20) years visitors and residents have watched the continued degradation of this once sacred area. Several years ago, the Kauaʻi Public Land Trust was approached by the Friends of Coco Palms, which is a group of civic and business leaders who proposed a different vision for this iconic landscape. They envisioned the Coco Palms property acquired not for private profit, but public benefit. They envisioned giving the community a

chance to determine how best to use the land, in a way that would pay tribute to the thousand (1,000) plus year history of the area. The Kaua'i Public Land Trust, and now the Hawaiian Islands Land Trust, supports this vision and feels that the time is right to give the people of Kaua'i a chance to determine how best to honor the significant history and contributions of this land. We believe purchasing the property for public benefit, creating a place that incorporates open space, cultural traditions, and a community vision is the only viable means of truly rehabilitating this property. In January of this year, the Hawaiian Islands Land Trust (HILT) applied for a Grant In Aid through Senator Kouchi's Office for two hundred and sixty-seven, six hundred and fifty dollars (\$276,650.00). If funded, this grant will allow HILT to conduct the necessary due diligence on a project of this magnitude, and engage the community in an organized, thoughtful, and productive planning process that will result in a vision for the property, a management plan, and fund raising plan, to secure the significant capital necessary for acquisition site cleanup. We believe if given the opportunity, the community will create an inspired vision that will honor the important role in Kaua'i's history and Hawai'i's history of the site previously known as Coco Palms. The Hawaiian Islands Land Trust respectfully asks the Kaua'i County Council to support this endeavor, and give the community a chance to do what the private sector has been unable to do for over twenty (20) years. We believe this land, and the island deserves such a chance, and if granted the opportunity will create a gathering place unlike any other in the State. Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Hooser: Thank you very much. Are there any questions from the members? Yes, Chair.

Chair Furfaro: First of all, thank you very much for being here, Jennifer. Let me just get some clarity in the fact that for twenty (20) years things have not been done, but the permits being issued, and then reissued and so forth was, in fact, action taken by the Planning Commission. That is something that in recent statements the Mayor, and me, joined in to say that it is time for us to go through the process to revoke those permits. Just as someone acquires those permits through a process, there is a process to revoke them, which is almost in duplication of the process. First, I would like to give you on behalf of the Council, a copy of the 1918 map of that Wailua area, referencing Queen Kapule's household, the various land grants, and so forth for your Hawaiian Islands Land Trust.

Ms. Luck: Thank you.

Chair Furfaro: We have that for you. Next, I would like to ask you; the number two hundred and sixty-seven, six hundred and fifty dollars (\$276,650.00), was that kind of an evaluation of—and we are only talking about money for planning.

Ms. Luck: Correct.

Chair Furfaro: Did you have an estimate that you were able to share with Councilmember Hooser, which got you to that sum? Is that an outline of a potential bid to do the work? How did we get to that exact number?

Ms. Luck: Two hundred and sixty-seven, six hundred and fifty dollars (\$276,650.00)?

Chair Furfaro: Yes.

Ms. Luck: It is not a concrete number. Some of it is estimated.

Chair Furfaro: I have to hold you up right there. We ran out of tape. We need to take a tape change break.

There being no objections, the meeting was recessed at 2:04 p.m.

The meeting reconvened at 2:07 p.m., and proceeded as follows:

Chair Furfaro: Okay we are back. Mr. Hooser, may I continue?

Mr. Hooser: Yes.

Chair Furfaro: The question that I left off at was which is the two hundred and sixty-seven, six hundred and fifty dollars (\$276,650.00), which estimate is for planning purposes; do you folks feel that was a pretty firm number that Mr. Hooser put in his Resolution?

Ms. Luck: That is the amount that we applied for Grant In Aid. The Land Trust worked with the Friends of Coco Palms group, and we determined that number. Some of those numbers are estimates, but we feel it will take at least that much to do the due diligence and begin the planning process. That will include what is considered an Member of the Appraisal Institute (MAI) appraisal, which is a federally approved standard of appraisal, and on a property of this complexity, that could easily run twenty thousand dollars (\$20,000.00) to twenty-five thousand dollars (\$25,000.00) alone, and then consulting fees. We will need to hire a project manager to oversee this project, and then to work with facilitators to conduct the public input process, and in addition, there will need to be a side assessment; your Phase 1 Environmental Side Assessment, and the very least done by the Land Trust, in addition to other due diligence that we perform on any projects, or considering working on, and all of those costs together will be at least two hundred and sixty-seven, six hundred and fifty dollars (\$276,650.00). There is a chance that it may be more, but I think if we have that kind of funding from the State, we could easily raise, if need be, to match that amount through private funders or foundations. I do not think it will be five hundred thousand dollars (\$500,000.00), but I think two hundred and sixty-seven, six hundred and fifty dollars (\$276,650.00) in that range, possibly even higher than two hundred and seventy-six thousand dollars (\$276,000.00) will suffice to bring us through the planning process.

Chair Furfaro: You have answered my second question because the Hawaiian Islands Land Trust is also prepared to contribute to this community planning effort, and you are recognizing that as you just broke down some of the scope. The piece that I am concerned with, as the Mayor and the Planning Department has initiated this potential revoking of the permits—do you folks have any idea of what just the demolition costs might be, if we got to that point?

Ms. Luck: The demolition costs—we think that the acquisition cost would be somewhere around realistically, probably fifteen million dollars (\$15,000,000.00) to twenty million dollars (\$20,000,000.00), actually closer to the twenty million dollar (\$20,000,000.00) end. We have always assumed that demolition could end up costing as much as that. Demolition costs would almost equal acquisition, maybe not quite that much, but certainly in the millions of dollars is a realistic assumption.

Chair Furfaro: I had somebody look at that and they said the low end, the floor on that, is probably four million dollars (\$4,000,000.00).

Ms. Luck: Yes.

Chair Furfaro: That does not do anything with Environmental Protection Agency (EPA) requirements, as that is just the construction portion. Obviously, I just want to be very careful. The planning is a great idea. I give thanks to Mr. Hooser for introducing this, but we are a long ways from where we need to be as we untie the permits. The questions then absolutely become with the permits getting untied; what are the land owner's responsibilities in working with the Department of Health on any demolition.

Ms. Luck: Right.

Chair Furfaro: Thank you very much for those answers.
Mr. Hooser, I will give the floor back to you.

Mr. Hooser: Councilmember Rapozo.

Mr. Rapozo: Thank you, Mr. Hooser. Thank you for being here, Jennifer. Is there any dialogue going on with the owner of the property at this point?

Ms. Luck: Yes.

Mr. Rapozo: How is that relationship?

Ms. Luck: It is a positive relationship. The owner has stated his interest in selling, both publically and privately, to the Land Trust, and supporters of the Land Trust are working with us on this specific deal. There has been an ongoing dialogue with the owner for the last several years.

Mr. Rapozo: Okay. The estimate is about fifteen million dollars (\$15,000,000.00) to twenty million dollars (\$20,000,000.00) for the acquisition?

Ms. Luck: Correct.

Mr. Rapozo: Is that based on an appraisal? You said the money includes that MAI appraisal, but...

Ms. Luck: Right. That is based on estimates. The price that he has stated to us in previous conversations, which I am not at liberty to share, is approximately around that amount. I think that based on what he

acquired it for, and what the Coco Palms Ventures acquired it for, which is around twelve and a half million dollars (\$12,500,000.00), and then costs they have incurred since owning the property, so realistically...

Mr. Rapozo: That is based on the owner's estimate? That is what he would to see, I guess. That is what he would like to get?

Ms. Luck: I think even a bit more than that to be honest.

Mr. Rapozo: He needs to realize that if we go to condemnation, it is fair market value.

Ms. Luck: Right. Exactly.

Mr. Rapozo: That property without (inaudible), is substantially less than that.

Ms. Luck: Right. The Land Trust is—we can only pay fair market value for a property. We cannot pay...

Mr. Rapozo: So can't the County and State, as well.

Ms. Luck: Right. Over fair market value—we would be limited to whatever the MAI appraisal came back as.

Mr. Rapozo: Right. That is why I am thinking fifteen million dollars (\$15,000,000.00) to twenty million dollars (\$20,000,000.00) is very high for that property, I believe. That is extremely high. I can see that he may have invested a lot of money. The other thing is that I read in the paper when this all came out—and it was the former Mayor Kusaka that we was prepared to move forward and secured some funding, but you guys are currently in discussion with him, or has the discussion been prior to those permits being revoked? I should not say revoked, but "expired."

Ms. Luck: Right. There have been recent discussions with the land owner...

Mr. Rapozo: Since the permits have expired?

Ms. Luck: Correct, but just because of confidentiality issues with the Land Trust, I am not at liberty to say much more, but they are having recent discussions with the land owner.

Mr. Rapozo: I do not need to know the contents of the discussion, but I need to know when. The Friends of Coco Palms—which organization is that? Is that Larry Rivera folks?

Ms. Luck: No. The Friends of Coco Palms, and thank you for asking that because I wanted to make sure I mention who is part of that group. It is an ad hoc community group that was fiscally sponsored previously by the Kāua'i Public Land Trust, and now is being supported by the Hawaiian Islands Land Trust, and the group is comprised of civic and business leaders as I mentioned like Pat Griffin, Diane Zachary, Rayne Regush, Beryl Blaich, Linda Pizzitola, and

Gary Hooser, as well. Then, representatives from the Land Trust, both staff representatives and me, and members of the Board of Directors and our Advisory Council.

Mr. Rapozo: Okay. The group that is supporting the development of Coco Palms are not in this group at all?

Ms. Luck: Correct.

Mr. Rapozo: Okay. That is important as well. I think that they have a pretty loud voice, as well that is in the community. We have heard that for a while. Okay. I think the community process is the only way to go, especially if, in fact, there are going to be some discussions about acquiring this property. I do believe that—I will not say “premature,” because it is never too early to plan, but I think as Mr. Furfaro said, “We are far from any tangible results, and I think the planning process is a good one.” I guess the last question is as far as the Legislature, do you have a feeling on how our delegation, Kaua’i delegation, feels about the proposal or the request?

Ms. Luck: Yes. Are they are supportive of the proposal? Senator Kouchi has been very supportive of the proposal, and obviously there are a lot of needs on the island of Kaua’i, and so we are hoping that this continues to be something at the top of their priority list to support. As far as Grants In Aids go, and Councilmember Hooser can correct me if I am incorrect, but I believe this amount is not a huge amount compared to some of the other requests, so we are hoping that it will be funded. I would like to completely agree with you, Councilmember Furfaro and Councilmember Rapozo that we are in very, very, very early stages of this. The Land Trust is very aware of that, and wants to make sure we do not overpromise to the public or to the community at this point. A project of this magnitude is going to take tremendous financial support, and we cannot ask people to support us at the level that we are going to need their support at, so in the millions of dollars, unless we have a very well thought out plan in place, and that plan is going to take money. A Grant In Aid is going to allow us to get to that next step, to go through this planning process, which realistically will probably take about a year and a half from this point, and it will take several months to get the funds released if they are approved, and another year beyond that to go through the planning process. In that time, to make sure that the permits will be officially revoked, but I would completely agree that we are in the very early stages; however, I feel that it is a very worthwhile effort and that in order to secure that kind of funding necessary to acquire, and then to clean up the site demolition and everything, funders are going to need to see a very, very well thought out plan. This fund willing enable us to do that. In the meantime, we can begin to reach out to some of these funding agencies, some of these individuals, who have stated previously their willingness to support a project like this, and begin to bring them on board and cultivate them. When the time comes for us to acquire the property, they will be ready to move and ready to commit. Some of these things can happen simultaneously, but planning is essential.

Mr. Rapozo: Okay, thank you.

Mr. Hooser: Councilmember Kagawa.

Mr. Kagawa: I thank you, Jennifer. What is the—and I do not know if your Trust has discussed future wishes for the area, but is it going to

turn into a big, massive park, or is it to develop some business activity mixed with a park? What are some of the ideas that have been floating around, as far as what you want to do with the parcel?

Ms. Luck: Right. We are a Land Trust, and certainly are a conservation organization in the business of protecting open space, essentially. However, we feel in this case, that the end plan for this property should really be up to the community. You know, we feel it would be appropriate to have an open space component, but what that looks like could be determined by the community. We really want to support the community's ability, and to give them the chance to go through and determine for themselves what they feel would be best and most appropriate here. What that end product will look like; we are not sure, but we are certainly supportive of the process and feel that whatever the end product would probably be better than what is there right now. Ideally, it would pay tribute to the rich history of the area, and I am sure that that is the direction that the community would want to go in as well, but we do feel like that would be up to Kaua'i, and that is why the planning process is so important.

Mr. Kagawa: Should we go with—the Legislature supports your request. Have you looked at long range, as far as how the Land Trust would be coming up with the fifteen million dollars (\$15,000,000.00) or twenty million dollars (\$20,000,000.00) if it is that kind of amount? What sources would you be looking forward to?

Ms. Luck: Right. A variety of sources will probably have to pull from State funding pots, individual donors, private foundations, Federal funding opportunities, and then maybe County funding as well through Open Space or something like that. Certainly, I think it will take...fund willing have to come from a variety of sources and diverse sources in order to come up with this kind of capital.

Mr. Kagawa: Okay. As a lifelong resident of this island, I have E-mails coming through, and all of them were in support, and it is on the tone that it is time to do something with the property. Although we may be in the planning stages, the community out there is ready for the mess to be wiped out. They are ready for the community to be able to use that area for some enjoyment instead of making it their eyes sore. I think all of us here obviously; we all want to see something positive come out of it. I am kind of fearful that this process will take much longer than the community expects, but you have to start somewhere, and I give you my support. Thanks.

Ms. Luck: Thank you.

Mr. Hooser: Councilmember Nakamura.

Ms. Nakamura: Thank you very much, Jennifer, for your presentation. When I was working on the East Kaua'i Development Plan that is still in draft form, for the Planning Department, this was one of the topics that came up. One of the recommendations was to consider this site as a cultural resource area. I am glad to see that the Hawaiian Islands Land Trust is interested in being a partner in taking the lead role and actually making this happen. I just wanted to ask you; has there been any assessment as to the existing structures there? Everybody is talking about demolishing it, but are they structurally sound or not?

Ms. Luck: We have walked the property a couple of times with a variety of experts, and I think that because of the rich history or the area, not only pre-contact history, but certainly through the Grace Guslander years, it would be wonderful to salvage one (1) or two (2) of the buildings if possible. I am not sure at this time without doing a more detailed assessment, and again, that is why we want to try and get this planning money so that we could do that, but ideally it would be wonderful to see at least some of those buildings saved. I think they are all part of the history of that place. From viewing them on the outside, there is the thought of the people who I was with who are far more knowledgeable in this than I am that there is a possibility to salvage them, but without a more detailed assessment, we would not know.

Ms. Nakamura: Interesting. To me, getting the community input and feedback, the tying into the existing archaeological sites up the Wailua *ahupua'a*, a management plan that looks at the conservation portion, but also the portion that can be used, and to detail that history and share that history with residents and visitors, and the financial sustainability piece is going to be real critical. I just hope that we can support that effort, and we should probably—I guess this is the Resolution of support that we can send to the Legislature. In terms of the long term management piece; do you foresee the Hawaiian Islands Land Trust being involved in that role as well?

Ms. Luck: Good question. At this point based on what we know, I do not know that it would be appropriate for the Land Trust to be a long term management organization on that site. I agree completely that there will need to be some sort of revenue generating component to support it in the future so that they are not constantly relied on donations or what have you. It will need to be self supporting. Whether, through the planning process another non-profit organization that is identified who is a better long term, management organization, or if a new non-profit organization is developed through the planning process. It could be The Friends of Coco Palms, non-profit if the management organization and the Land Trust is an owner or it is a easement, I am not sure. I do not think, at least at this point—and this is my personal opinion, which is the Land Trust will probably not be the appropriate long term management organization of a project like this; however, we are very willing to begin the process to facilitate the process, to facilitate the process, to help negotiate a deal with the land owner, to help secure funding, and to ensure that it is completed, and then once it is completed, hand over the long term management to an appropriate agency or organization.

Ms. Nakamura: That is great. I think that has been the missing link in this whole discussion, so thank you and thank your board for stepping up into this important role. What you bring to the table is the ability to bring other partners that need to come to the table to really make this an incredible asset. I just want to thank you very much.

Mr. Hooser: Are there any other Councilmembers?
Councilmember Yukimura.

Ms. Yukimura: Aloha, Jennifer. You are right. This is a huge project, but I think it is something that HILT or Hawaiian Islands Land Trust has been standing and ready to work on for several years now. I too, want to express my appreciation to HILT for existing and being there, because it is the kind of community planning capacity that we need in order to do these potentially,

incredibly wonderful projects. My question is kind of a follow up to Council Vice Chair's question. Will the results or the studies that will result from this two hundred and seventy-six thousand plus dollars (\$276,000.00+) include a financial feasibility or sustain a model of what would be sustainable?

Ms. Luck: Absolutely. I think it would have to and again, we would not want to acquire it if we did not have a plan and vision for sustaining it far into the future. I do not think it would be a responsible or worthwhile, productive endeavor if that was not part of the plan at the end. Absolutely, I think that the long term management and financial feasibility, revenue generating ideas, well thought out ideas that we think are viable and would that work on that site; businesses or revenue generating components that the community would want would be an essential part of that plan. That would all be part of the management plan, which would be one component.

Ms. Yukimura: Okay. Do you have any timeframe that you are thinking of, should you get these moneys? Or maybe I should say, "When we get these moneys?"

Ms. Luck: So we expect that if we are granted the funds, and then they are released, we would most likely receive them sometime in July, and then from that point forward give ourselves...ideally trying to do it in a year. I think it is a huge undertaking for a year, but time is somewhat of the essence. We want to make sure we get it done so that the property is not sold in the planning process, so I do think that there is a fair amount of urgency behind the planning process. Once the funds get released, we would want to try and use them up within one (1) year's time. I do believe that if the funds are received, and once we are granted the funds, the community will be incredibly supportive, and there would be a lot of energy, passion, and excitement behind this project, so I imagine people would be very willing to participate. I do know it is a huge undertaking. Again, that is why we want to make sure and hire and project manager outside of the Land Trust Act because we have other projects that we are working on. Somebody would be hired whose sole purpose would be to conduct this planning process.

Ms. Yukimura: Okay. Thank you.

Mr. Hooser: Are there other members? Council Chair.

Chair Furfaro: Thank you, Mr. Hooser. I got an invitation electronically, and I do not know why I did, but I thought perhaps it was that I used to be the Food and Beverage Manager of Coco Palms. Some of the more modern buildings like Aunty Sarah Sheldon's Library, the two (2) Prince Cottages, the Queen's Audience Hall, and I might take a moment to please plead with somebody to return the doors for the Queen's Audience Hall, which the *koa* doors are now missing. Mr. Bob Hamada, who was the Facilities Manager and Chief Engineer for Coco Palms, and we have some of his publications about his woodwork and everything in the Historical Society. He would be an excellent resource for you folks. The buildings that I just mentioned were built during my tenure there, even though that might have been thirty-five (35) years ago. He is a big resource for you folks. I would certainly want to put his name out there for you. There has been other discussion about Coco Palms, ten (10) years ago, about turning it into senior housing to save as many buildings as we could. I know that was one (1) of the initiatives that I had put forward, but the invitation that I got was about

rehabilitation. I was concerned or confused as I have talked to many people that were associated with the labor force at Coco Palms, and they interpreted that as a restoration of the hotel, versus when you talk about rehabilitation of Coco Palms, versus a workshop that is intended to find what the best community use is. I just want to put that out there. I am not sure if that came from the Land Trust or not. It was a confusing interpretation.

Ms. Luck: Right. It did come from the Land Trust, and I share your concern about that word. In fact, I asked that, that word not be in there and that it would be about the future of Coco Palms. I thought it was the final one (1) that was sent out, but I will have to double check now that you bring that up. You are exactly right about that, that word "rehabilitation" is very misleading and I would not want people to get the wrong idea. What we are intending to do and what we would like to do is to discuss the future of Coco Palms. I apologize if that was confusing, and that was certainly not our intent. That was an earlier version, because there was a version with that word in it, but it has changed.

Chair Furfaro: That is the version I got, and I had got several calls from a group of employees who were there that wanted to kind of get some clarification.

Ms. Luck: Just a follow up with your recommendation; if there are other people that you feel that we need to begin and reach out to, I would absolutely welcome that. I have only been on this island for a short time, and I want to work on this project, but I am certainly not the expert so we are going to rely heavily on the community members that have lived here their whole lives, and their families who have been here for generations, and they were part of that hotel and part of that time. We will absolutely need input from people like you and the entire Council directing us as to whom we need to be speaking with.

Chair Furfaro: I think I will put Charlie Perreira, too. He would be a good source because he has networked with many of the old timers who have interest with him. I am not bound to any confidentiality, but I want to say a query from me on price. At the low end of just the demolition, we are talking four million dollars (\$4,000,000.00). What I understand the purchase price, and is public record was thirteen million dollars (\$13,000,000.00), and what investments they imply that have done with marketing, planning, and so forth was another thirteen million dollars (\$13,000,000.00). I think we want to point out that the real cost is the demolition, and the actual price, and I think Mr. Rapozo said it well which was, "The County cannot pay more than the appraised value." On the other hand, the other twelve million dollars (\$12,000,000.00) that they might have invested in positioning, marketing, planning and so forth; that is their risk, not ours. That is their risk of trying to redo the project. Those two (2) big costs that seem to be the original price paid and the final cost of demolition, as well as how this number actually becomes more solid in the planning stages with the community and outreach. I want to thank you for working with Mr. Hooser on this, and I will be supporting this Resolution. Thank you, Jennifer.

Ms. Luck: Thank you.

Mr. Hooser: Are there any questions? Councilmember Rapozo.

Mr. Rapozo: This is just an answer to your question about who we would suggest, and I would definitely suggest Mr. Larry Rivera. I realize that they do not want to take that property away, but I think it is important that their point of view is heard as well. It would make the process a lot less confrontational going forward to be able to share their concerns upfront. I think they would appreciate that opportunity as well, so just a suggestion from my experience here on this island. Thank you.

Ms. Luck: Absolutely. Thank you.

Mr. Hooser: I have just a few questions. Most of it has been covered. I know I understand that you have confidentiality responsibilities, but is it fair to say that there are philanthropic entities, individuals, or organizations who are interested in supporting this type of plan for public use, which has been described in what you are doing?

Ms. Luck: Yes. There have been conversations that have happened over the last several years where individuals who have a very high capacity to give, and to write significant checks, not the amount necessary to cover the entire acquisition, but certainly enough to get us going and lead the charge amongst others of their peer groups who are similarly suited to make equally significant donations, and that support has been stated numerous times over the last several years and confirmed again, and again, and not having an interest in developing it for themselves, but rather for the public benefit. Yes, absolutely.

Mr. Hooser: Okay, great. For the record, assuming that you are successful in getting the funds, there would be a focal point for the public to say a phone number, or committee, or something where the public wanted to provide input, they would be provided access point, I guess, besides having meetings?

Ms. Luck: Yes. I think you know, certainly they can—in the beginning, probably would be contacting the Land Trust directly, which would be me, because I am the Kaua'i Island Director, until a project manager is hired, and then that information would be available, so that people who were unable to go to meetings could certainly still submit their ideas and suggestions, as well as a website or some sort of online tool for them to submit suggestions, in addition to phone calling, and trying to give people a variety of ways to submit their input.

Mr. Hooser: Great. Thank you very much.
Councilmember Yukimura.

Ms. Yukimura: Jennifer, specifically, how can people contact you? Does HILT have a website too?

Ms. Luck: We do. Our website address is www.hilt.org or they can contact me directly at 755-5707. I will give me E-mail as well. It is jennifer@hilt.org, and I welcome suggestions, phone calls, E-mails whenever it is convenient for people, with questions or concerns. Absolutely.

Ms. Yukimura: Thank you.

Ms. Luck: Thank you for asking.

Mr. Hooser: Thank you very much. There are no further questions. Thank you very much, Jennifer.

Ms. Luck: Thank you.

Mr. Hooser: I know we had a number of testimonies in support in writing. Is there anyone else in the audience who want to testify and speak? If not, I have some comments, but we could entertain a motion first.

Ms. Yukimura moved to approve Resolution No. 2013-40, seconded by Ms. Nakamura.

Mr. Hooser: Are there any further discussion? Members?

Ms. Nakamura: I just want to thank you for putting this Resolution together. It is a great step in the right direction. It sounds like there has been work on this and groundwork laid, and we have support at the Legislature, at least from our Kaua'i Senators, so that is wonderful. I really feel that this is something that the County what a stake in it, and we should have a role and we should be a partner at the table. I am hoping that through our Open Space Commission, we can hopefully bring some future resources to this project.

Mr. Hooser: Other members? Councilmember Bynum.

Mr. Bynum: I want to say thank you, Gary. I know you have provided leadership on this through several different roles you have played over the last few years. You have not lost focus, so it makes sense that you would author this Resolution. I appreciate it very much. I also think that sometimes the hopes of the community are somewhat naïve. I have heard people say, "Let us do this..." There are lots of great vision and ideas for the place, but the fact is that a big section of that property is private property, and that has value. The Government has the ability to address that, but we have to compensate landowners. Then, say we did acquire the property; there will be ongoing costs to maintain, so I was excited a number of years ago when Councilmember Furfaro was focusing, on perhaps, some senior housing because I think multiple uses are compatible there, clearly to preserve the historic features, the coconut groves, and the cultural sites. There are buildings there that may be appropriate for senior housing. There is Federal money for senior housing, and once you have a housing facility, you have to keep up the grounds, so there would be some ongoing—that is not to say I think that is what it should be. I think we should do the planning process and look at the alternatives, but to realize that there are really significant financial and legal issues to overcome. That is why going this route is a good idea, and I am in total support of this Resolution.

Mr. Hooser: Thank you. Councilmember Kagawa.

Mr. Kagawa: Thank you, Councilmember Hooser, for introducing this Resolution. It is time to move on. I know the current owner has tried. There are new Laws about building in a flood zone that came into play, and just a lot of money issues as far as how to rebuild it. It has been twenty (20) something years, and in those years we have had a Costco come, and Borders come and go. A lot of things have happened. During Hurricane 'Iniki, I vividly remember that. It was huge. It devastated and changed a lot of our topography. Brennecke's

became rocky instead of just sandy. There are a lot of things that changed. I think twenty-two (22) years/twenty-three (23) years is enough time for the landowner to realize that maybe it is best to be sold to another group, like the County or HILT, and I just commend you for a good Resolution. It is time to move on, and I like forward to the day when we have good use at that property for our residents and visitors to enjoy. *Mahalo*.

Mr. Hooser: Thank you, Councilmember Kagawa.
Others? Councilmember Rapozo.

Mr. Rapozo: Thank you, Mr. Hooser. I agree. I think it is a great starting point. I think we need to move forward, and we just have to understand that this property is still owned by a person. This is private property that we are talking about. I guess that message goes out to the public, and reading the testimonies that we received, and I think Mr. Kagawa mentioned, which I think the public is expecting something a lot sooner than what is going to happen, so I just want to make sure that the public understands that this is a great start to a long process. I definitely encourage the dialogue to include the owner, and to include the groups that may oppose this, because we have heard it. We have heard it loud and clear that some want to restore that hotel back to its original state. One (1) of the things, and the questions that I heard about the structural integrity of that place, and the County—I do not know if we ever went in and did an inspection? I know that the Fire Department went and did an inspection, and that is something, I guess, we can send over and request. I believe it is a safety hazard over there. I am shocked that we never required the owner to clean up that property, when we do that for our local residents here quite frequently. “We notice your lot is overgrown. Cut it down or we are going fine you.” This owner has been allowed to, what I believe is a health hazard, a safety hazard, a fire hazard, a rodent hazard, and a vagrant hazard. It is every kind of hazard you can think of exists on that property today, and we have allowed that owner to get away with it. At the end of the day, should we acquire this property, guess who is going to be stuck with the bill? The taxpayers. It is totally unfair. I do not believe it is HILT’s responsibility to go in and clean it up, or do an inspection. Those structural inspections are not cheap, but I think years ago, I had an opportunity to walk through that place, and I am not a structural engineer, but I do not believe the integrity of that structure is there anymore. This was years ago. I can only imagine how much worse it is today. I think we need to have the owner clean that up. If we cannot afford to clean it up, he definitely will not be able to afford to rebuild that property. The economics of it is just harsh. I like the idea. I like the plan. I think the community process is the only way that we can move forward and get it done. I look forward to—I am hoping that we can at least get that fund so that we can start the process, and then at that point, let the chips fall where they fall. I definitely support the Resolution, and I hope that we can get something moving for that property. Thank you.

Mr. Hooser: Thank you, Councilmember. Anyone else?
Council Chair.

Chair Furfaro: Yes. First of all, I want to thank you, Mr. Hooser, for putting this in front of us as the Mayor does their piece. It is the reverse process of undoing those or revoking those permits. That has to happen as well, but when it comes to this Grant In Aid, I would like to say that to some degree, I kind of agree with Mr. Rapozo that evaluating some of those buildings and some of those other opportunities as a cultural resource of the area is extremely important. That area is *wahi pana*. It is special. It is land that has great history. I was

delighted we were able to get something to you for your planning process, but some of the people who we would like to get involved that I did not hear in the name list is, for example, I did not hear Kamehameha Schools as someone to possibly approach. I would just like to point out the cultural and educational opportunity and what that institution is dedicated to doing. I certainly think that there is an opportunity to get them involved as well. There is other documentation. The owner has been instructed about maintenance, repair maintenance, and clean up of the area. I do not think he has done the kind of job we had hoped, and the safety concerns that Mr. Rapozo brings; I would like to add, and I guess I have to do an amendment, that we could not also copy the Department of Health on this particular piece, because they have the real influence on any kind of public safety concerns, and health reasons could appropriately put some strength in a notice about getting some things cleaned up, especially if we are talking about a year and a half, two (2) years on the process. I would ask that if you could consider adding the Department of Health to the communication. Thank you very much, Mr. Hooser.

Mr. Hooser:
Councilmember Yukimura.

Thank you very much, Chair. Anyone else?

Ms. Yukimura: Thank you. We are talking about a very sacred and beloved place. As the chair pointed out, it is so full of history that is a big part of Kauai's history. It is very exciting that we would now have the opportunity to do a community based plan. I do want to thank the Mayor and the Planning Director, and the Planning Commission for finally taking the bold and appropriate step to recognize that the permits are not good, and that the owner has had many years to do something there, but has not done it. As Councilmember Bynum said, there is a lot of community excitement about this, and a lot of people with vision, but the challenges and the responsibility is to bring all of this together into a realistic plan. That is why this money that is before the Legislature as a request, and the involvement of HILT is so important, because that is the next big step. I do want to thank Councilmember Hooser. I want to thank HILT and Jennifer, the Friends of Coco Palms, and all of the community for holding this dream and now working together to make it into a reality.

Mr. Hooser: Thank you, Councilmember. I just have some other comments here, and then we will close. The Friends of Coco Palms, I have to give credit, full credit, to Pat Griffin. She called me or sent me an E-mail two (2) years ago at least, with pictures and maps of Coco Palms and said, "Gary, we got to do something." We started meeting. It is an ad hoc group. Some people come and some people go. Councilmember Bynum has been to some meetings. Because of the Sunshine Law, it kind of makes it awkward. I was involved before, and in between office. Pat Griffin has really kept it alive, kept the discussion alive, and she was here earlier. I am sure she was going to testify, but had to go. HILT has really stepped up to the plate and provided administrative support.

We did walk the property with the President of Kamehameha Schools, as well as our former Office of Hawaiian Affairs (OHA) Trustee Cataluna, and both of them said the same thing. Both of them said, "This is wonderful, and a chicken skin kind of thing, but what is the plan?" They were not in a position of putting a plan together. I think everybody recognizes that for this property, for anything to be successful here, it has to have a community based support. It is such a special, special property. We quickly came to the conclusion that we have to have a plan, and then you go out and find partners; whether it will be public, private, or

whatever and put it together. In my mind, the ball has now been passed, especially if the funding comes through, like it should, to the Hawaiian Islands Land Trust, who will then convene the community. I see myself as a member of the community, a member of the Council, but it is the community's plan. It is not anyone's individual plan.

I did meet with Larry Rivera. Like many people here at the table; I love Larry. I have known him, his wife, and family for years, and years, and really honor and respect him a lot. Larry told me flat out, "I want it just like it was. I want it just like it was. Why can they not do it just like it was?" I said, "Larry, I would love to have that it too, because it just has not happened. It has been over twenty (20) years, and we have let it run its course." He mentioned the torch lighting ceremony, the music, and the visitors. I told him, "There is no reason why we could not have that if that is what the community wants. If the community wants torch lighting ceremonies to be part of this; if they want the music, then it still can be that way." There will be public involvement. Larry also told me, and it is very disheartening. The vandalism, according to him, is just incredible. The doors are just part it. People are carving out those name plaques that lay at the base of those trees that were special name plaques for historical figures and people from around the world who have come and contributed, and people are breaking in, and it is just a travesty; which leads me to Councilmember Rapozo's point, and I had not thought really about that, but I think Council Chair also mentioned it, that the County has a responsibility. I certainly do not want to say, "Okay, HILT, here it is. Go take it and go do your planning." I think the planning is a long term process. It could be two (2) years or eighteen (18) months. Between now and then, there are things that I believe the County might be able to do to ensure preservation to some of those historical things, not to mention the security and safety. It is private property, but every private property has had a public responsibility. Our public has been far too generous and patient giving the benefit of the doubt, in my opinion, in this particular situation. I will be giving it more thought and working with everyone here to figure out, "What we can we do in the meantime to support this effort?" I think it was all of my remarks. We do have some amendments, and if it is alright if I add—they are minor amendments, just spelling, and I think that is basically it. Then if I could add the Department of Health and the Department of Land and Natural Resources, perhaps, in the last "be it further resolved." The other two (2) amendments is just a grammatical "do" and "doing", and then a spelling of one (1) of the person's names. Could I have a motion to amend? Is that the proper way to do it? We have a motion to approve, and then a motion to amend?

Mr. Rapozo: I just have one quick question.

Mr. Hooser: Sure.

Mr. Rapozo: You mentioned earlier that you walked the property with OHA...

Ms. Yukimura: Kamehameha.

Mr. Rapozo: Excuse me?

Ms. Yukimura: Kamehameha.

Mr. Rapozo: No, both.

Mr. Hooser: Yes.

Ms. Yukimura: I am sorry.

Mr. Rapozo: They asked about the plan.

Mr. Hooser: Yes.

Mr. Rapozo: Would you recommend sending a copy of the Resolution to OHA?

Mr. Hooser: Great idea. Thank you. Councilmember Yukimura mentioned earlier that she complimented the Resolution, and I have to compliment staff, Christiane Nakea-Tresler particularly, who started it. This property is so special that we want to take time and get it right. It is so important to many people, and we forget OHA. That is a great idea. It if is okay with everyone, if we could just add that. I need had a motion to amend with the addition of the Department of Health, Department of Land and Natural Resources, and OHA.

Mr. Kagawa moved to amend Resolution 2013-40 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment A, seconded by Ms. Yukimura, and unanimously carried.

The motion to approve Resolution 2013-40 as amended to Draft 1, was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Thank you very much. The Resolution 2013-40 as amended to Draft 1, passes 7-0. Okay, I am going to take the meeting back here to continue with our regular dialogue. Thank you very much.

LEGAL DOCUMENT:

C 2013-102 Communication (03/01/2013) from the Fire Chief, requesting Council approval of the indemnification provisions contained in the Hanalei Community Center Facility Use Guidelines and Application Forms, for the use of Hale Hālāwai 'Ohana 'O Hanalei's facility for training for the Community Emergency Response Teams (CERT): Ms. Yukimura moved to approve C 2013-102, seconded by Ms. Nakamura.

Chair Furfaro: Are there any discussion? Go right ahead, JoAnn. I have some too.

Ms. Yukimura: I just want to acknowledge the Fire Department and the Chief for moving on the reorganization and training for CERT. I think these Community Emergency Response Teams are so important to our capability of response in times of emergency, especially when there is an interruption or cut in communications from the central area to outlying area, and this is a very good thing that is happening and I am happy to vote for this.

Chair Furfaro:

Mr. Bynum.

Mr. Bynum: In the years that have been involved in the Council, I have rarely found anything to criticize the Fire Department or the Chief about, and the one (1) exception was CERT. When the CERT program was really going gangbusters five (5) or six (6) years ago, had a full time coordinator who was coordinating other volunteer projects, and it got transferred to the Fire Department. Sorry, you guys failed. You let the program fall apart. Lost all the momentum, but the good news is that I believe you are back on track now. With the program that makes sense, that is going to help our community, and so I can just say thank you, Chief, for getting back on track. That is probably the only thing that have I ever talked to you about, that I was continually critical for a number of years because I think we lost a really good opportunity. I believe that the Fire Department has realigned in ways that makes sense for them. The program will not be like it was five (5) or six (6) years ago, but it will be valuable if we have a cadre of people in our community who is trained to react in their own communities when we inevitably have the next natural disaster. Thank you for letting me make those comments.

Chair Furfaro:

Mr. Kagawa.

Mr. Kagawa: Mr. Chair, could I humbly request after this item, if we could jump to Bills for Second Reading, Bill No. 2460, Draft 1, so that we could get this speaker out.

Chair Furfaro: We will do that by request for the next item. Any further discussion here? Mr. Rapozo.

Mr. Rapozo: I just want to say *mahalo* to Hale Hālāwai ‘Ohana ‘O Hanalei for allowing us to use their facility, as well. As you know, trying to get a County facility here in this County on a regular basis is tough. We will make a lot of use out of it, so I just wanted publically thank Hale Hālāwai ‘Ohana ‘O Hanalei for allowing us to use their facility. Thank you.

Chair Furfaro: Thank you. I would like to say on that note; I am going to ask Mr. Rapozo to coordinate an update in one of his committees on the Hanalei Courthouse, and its role, and where we are at. It is a facility that will provide outstanding resources for us in the needs in any disaster on the north shore, as well as facilitating programs that deal with County needs. If I can make that request of you, I think it is time to hear from them.

Mr. Rapozo: I am prepared to expect that on the next committee agenda.

Chair Furfaro: Thank you.

Mr. Rapozo: Thank you.

The motion to approve C 2013-102 was then put, and unanimously carried.

Chair Furfaro: It is understood that we will send a thank you to Hale Hālāwai ‘Ohana ‘O Hanalei in advance. Next item, please.

There being no objections, Bill No. 2460, Draft 1, was taken out of the order.

BILLS FOR SECOND READING:

Bill No. 2460, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, ENTITLED "BUILDING CODE": Mr. Kagawa moved to approve Bill No. 2460, Draft 1, seconded by Ms. Yukimura.

Chair Furfaro: Okay. Do we have anyone who would like to testify on this item? Please come up and introduce yourself.

There being no objections, the rules were suspended.

LEE MOREY, Chairman of the Government Affairs Committee for the Kaua'i Board of Realtors: I am the Chairman of the Government Affairs Committee for the Kaua'i Board of Realtors. First, I want to thank you all. This has been a pleasure listening to you today. As a group, it is nice to see forward thinking and progress—at least that is the way it feels. In light of that, I would like to add our support, that is the Kaua'i Board of Realtors's support to Mr. Kagawa's—Councilmember Kagawa's Bill, and say that the Kaua'i Board is in full support of moving forward with that, which will serve two (2) purposes, we think. One (1) is to alleviate some of the permitting stress from the County, and the other is to allow small business farms to be able to put their business plans together in a faster, and more economically feasible way, and that they do not have to go through as many hoops. We are looking forward to that.

Chair Furfaro: Okay. Any comments at this point? Lee, thank you for being here and giving us the endorsement of the Board of Realtors.

Ms. Morey: Thank you for the opportunity.

Chair Furfaro: I will call the meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Discussion? Mr. Hooser.

Mr. Hooser: The last time this was on the agenda, I voiced my concerns about it. I believe I asked for a motion to defer that did not make it, and it came around. The reasons for my concern were because this is mandated to us by State Law. The actual words, and the list, and the criteria are all mandated by State Law, and I believe it is too broad. I certainly support supporting small farmers. They should not have to have a building permit for a small greenhouse, or a shed over compost or minor structures like that; and I agree with that one hundred percent (100%). My issue with this particular measure is that it is just too broad and covers everyone. At that meeting, we were informed that there were other Bills moving that would further expand it, not just to say "no permit," but "you do not have to comply with the building code and zoning." I looked in those Bills and Monday, Senate Bill 586 was heard in the House. I submitted testimony and I will pass this around. On the second page; this is my testimony, I have highlighted it in yellow. The Bill was heard on Monday. They are decision making tomorrow. I have spoken to the Chair and Vice Chair—or I have spoken to the Chair and have communicated with the Vice Chair, and my

recommendations basically were to convert the “shalls” to “may,” to give us direction, and say that, “We want you to do this, and you “may” use this list, but you have to develop your own list.” Each County can then develop its own list and extend the date to 2014, since no County was able to comply on time. In my discussions with the Committee, their indication—I cannot predict what they will do tomorrow, because they will not vote until tomorrow, but I have a very good indication that they will be amending this measure, to reflect many, if not all, the concerns that have I expressed. If you read the testimony that was presented at that hearing, Russell Kokubun, the Director of the Department of Agriculture, also expressed concern and encouraged them to defer to the Counties. As was expressed in our last meeting, that there was no opposition at all, and the meeting on Monday; there was quite a bit of opposition from Counties and from the Department of Agriculture, who also like me, supports agriculture, but feels like this is a County issue. I would suggest again that we consider deferring this because if, in fact, the Bill is amended, it would amend the underlying Law, the one (1) we are voting on today, which would mean that we would have to go to another ordinance. I would suggest that we might wait forty-five (45) days to let this Bill run its course. I believe the Director of Public Works indicate there had was really no impact of really doing anything, because it is State Law, but I will let someone else make the motion to defer, if they would like to do so, since I made it last time and it did not fly. Thank you.

Chair Furfaro:
forty-five (45) days, at least?

Before I recognize anybody, you did say

Mr. Hooser:

Yes.

Chair Furfaro: Where would that bring us in the calendar?
Would that be after Budget? April 24th? Is that what I heard? Okay. There is consideration here. Whoever wants to make the motion to defer to April 24th.
Mr. Bynum, you have the floor.

Mr. Bynum: I said that I supported this Bill conceptually, and I do. I think we did a pretty good job with it, and part of what our County did with this Bill with the requirements, was to make sure that our Building Codes to check that certain structures would still apply. I heard from the people testifying about this Bill, that there was another Bill in the Legislature, not just to avoid the permit, but to avoid the Building Codes. I said at the time that I could not support that, and I too, have testified against that legislation. I just saw Mr. Hooser's today, and these amendments would make it acceptable. I also noted that Russell Kokubun had said to leave it up to the Counties, even though we were told that everybody was in support of this. Our County has testified against that Bill. It brings up the other issue, which is home rule. I am out on my own trying to find a tax on County's home rule, and guess what; there are bunch of them. We have a paid lobbyist that have I said over the last four (4) years, that the most important thing that I want from that funding is an alert when any Bill exempts County from its traditional responsibilities. I know it is kind of a side issue, but I did not even know they were going to move exempt Building Codes, and it had already moved virtually, all the way through the Senate. I am in rising in support of deferring this Bill. We are the only County that has picked this up, even though it is a requirement, so I do not think there is any big problem with deferring this Bill. I am following up on some information I just received, that we received our first exemption permit, and it is for like a two (2) bedroom house on Ag Land. I am going to follow up on that. It is just hearsay at this point, but I had growing concerns,

since I was in support of this Bill last time. I would very much be willing to make a motion to defer until April 24th, because the Bills are linked, and we do not know the outcome. Already, I have heard where there is an attempt to misuse it, but I do not know, but I want to follow up. Thank you.

Chair Furfaro: Okay. Councilmember Yukimura, and then Councilmember Kagawa.

Ms. Yukimura: Being mindful of the farm community that was here before us, I just want to confirm that in the previous Committee Meeting, we were told that there was not any real damage that would occur with a deferral. Is that right?

Mr. Hooser: That is my understanding of what I think Mr. Dill or Mr. Haigh said, because we asked them directly what would happen. They are processing them already.

Chair Furfaro: I have to interrupt here just for a second. I want to make sure that the nine hundred (900) square foot, two (2) bedroom house is not one (1) that is complying to our Workforce Housing Bill, which allowed up to nine hundred (900) square feet. I am not clear on exactly how that process was, but you are correct, Mr. Hooser. I think both Dill and Haigh indicated it would not be a problem.

Ms. Yukimura: I just want to complete my comments. I feel like I can support a deferral, but if we did have support from our lobbyists, who highlight Bills affecting home rule, we would have been notified of the Public Land Development Corporation (PLDC) Bill. That is a very interesting idea about how to direct our lobbyists. Thank you.

Chair Furfaro: Mr. Kagawa.

Mr. Kagawa: I would prefer that we approve this Bill today for these reasons. First of all, we were supposed to have approved this by January 1st, because we were told by not only the County Engineer, but were also told by the County Attorney that it is already Law. It is in effect. State Law supersedes County Law. This Bill is just to get us in line with what is already in Law. We are being asked to defer this because we are making the assumption that something might change. Let us wait until it changes, and then let us correct whatever is the Law. That is my thinking. By not approving this, we will have a separate set of rules for what is actually in there. I just think we just need to get in line. We do not all agree that what the State Legislature did was right. Some of us believe that they should not be sticking their nose in something that we oversee. We believe we have our way of doing things because it protects homeowners and Ag people. I just believe that in order to get in line with what is State Law, we should approve this Bill today. Thank you.

Chair Furfaro: Are there any other discussion? Mr. Bynum.

Mr. Bynum: There is an E-mail I received in the last five (5) minutes, language from S. B. 753, "Land under ABC control is exempt from all statutes, ordinances, charter provisions, and rules of any government agency related to planning, zoning, construction standards, development, improvement of land, and the construction of buildings." There is one Bill that I just got an E-mail from.

Another one (1), S. B. 751, "Urban Growth Commission: notwithstanding any law, ordinance, or rule to the contrary, the development standards established by the commission shall supersede all State and County development standards applicable." We have professional people in each County that have spent their careers understanding buildings and the process of building, to make sure that the structures that we build do not pose health and safety, but the State create these commissions and says, "No, State Legislatures and these Commissions who knows what their made of, know better than those County professionals that set up these building codes. Let us just waive all of those standards for the Counties." This is very disturbing to me, and I just wanted to make that point. We need to get this right. This is very significant. I want to follow up on the hearing that the first permit was, "Oh, I do not need a permit for this," had bedrooms with closets. What is the Ag use for that? If it was for farm worker housing, it should have been with density, or under our Farm Worker Housing Bill, not under, "Oh, I can build things on Ag Land now because I am a farmer without any building permits." I was going to say, "Okay, no building permits." At least tell us what you did, and certify that it is built to code, and that it is built to safety code.

Chair Furfaro: Okay. Thank you. If not, I want to just say a few things here. First of all, I want to thank Mr. Hooser for going over and representing us. I know he is the Chair of our Intergovernmental Relations group, but thank you very much for having that dialogue. Number two (2), under this Bill; let me read this section to you so that we are very clear. "Non-residential manufacturer pre-engineered commercial building or structures consisting of no more than one thousand (1,000) square feet." I suspect that this housing piece...we need to pursue. It might have been built under our Farm Worker Housing Bill, but it is worth checking. Then Mr. Bynum—thanks again. You brought up...as this process goes along, and I coordinated a presentation from our lobbyists. Is that the 27th? Yes, so they will be here in front of us on the 27th of March. I also want to say that remember, we only funded one (1) solo briefing for us, and one (1) combined briefing at the end, so remember that when the upcoming Budget comes; that the package that we got was pretty limited in its scope, but they will be here on the 27th. I think you have delivered us some good news, and I plan to support your recommendation.

Mr. Bynum moved to defer Bill No. 2460, Draft 1, until April 14th, seconded by Mr. Hooser, and carried by the following vote:

FOR DEFERRAL:	Bynum, Hooser, Yukimura, Furfaro	TOTAL – 4,
AGAINST DEFERRAL:	Kagawa, Nakamura, Rapozo	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Could I ask that Mr. Bynum share that information? Can we send that over?

Mr. Bynum: I am following up on it.

Chair Furfaro: You are following up on it, okay. Thank you, next item please.

CLAIMS:

C 2013-103 Communication (02/22/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Jessie Pagtolingan, for

damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer to the County Attorney for disposition, and report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

C 2013-104 Communication (03/01/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Milagros Yamaoka, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Rapozo moved to refer to the County Attorney for disposition, and report back to the Council, seconded by Ms. Yukimura, and unanimously carried.

COMMITTEE REPORTS:

PUBLIC SAFETY & ENVIRONMENTAL SERVICES COMMITTEE:

A report (No. CR-PSE 2011-12) submitted by the Public Safety & Environmental Services Committee, recommending that the following be received for the record:

"PSE 2011-05 Communication (11/9/2011) from Committee Chair Rapozo, requesting the presence of Larry Dill, County Engineer, to discuss the following:

- 1) Current status, existing capacity and projected life of the existing Kekaha Landfill;
- 2) Possible waste diversion initiatives to extend the life of the existing Landfill;
- 3) Status of a new Solid Waste Municipal Landfill, including its siting, timetables, Environmental Impact Statement, and any State transportation plans for access roads; and
- 4) Status, timetables, and siting of a Resource Recovery Park (RRP) and its components, including, but not limited to: a Materials Recovery Facility (MRF), Center for Hard to Recycle Materials (CHaRM), composting area, and construction & demolition debris area."

Mr. Rapozo moved for approval of the report, seconded by Ms. Yukimura, and carried by a 7:0 vote.

ENVIRONMENTAL SERVICES / PUBLIC SAFETY / COMMUNITY ASSISTANCE COMMITTEE:

A report (No. CR-EPC 2013-01) submitted by the Environmental Services / Public Safety / Community Assistance Committee, recommending that the following be received for the record:

"EPC 2013-01 Communication (02/14/2013) from Council Chair Furfaro, requesting the presence of the County Engineer and the Environmental Services Officer, Department of Public Works to discuss an anonymous report received by a Councilmember relating to documents (in Banker Boxes) from the Department of Finance that were allegedly buried in the Kekaha Landfill in January / February 2013."

Mr. Rapozo moved for approval of the report, seconded by Ms. Yukimura, and carried by a 7:0 vote.

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2013-08) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be received for the record:

“PWPR 2013-05 Communication (02/26/2013) from the Council Chair, requesting the presence of the Director of Parks & Recreation, County Engineer, and the appropriate Department of Personnel Services personnel, to provide an update/overview of the action(s) taken to address the following safety issues at Salt Pond Beach Park: coconut tree maintenance, status of the current septic system, the possible risks posed by these issues, and the County’s mitigative actions to limit its exposure to these risks.”

Mr. Rapozo moved for approval of the report, seconded by Ms. Yukimura, and carried by a 7:0 vote.

Chair Furfaro:

Mr. Kagawa, you have the floor.

Mr. Kagawa: I want to thank you guys for last week. We had a good discussion on Salt Pond Park. It is too bad I got the information after the public watched the television. I kind of was more informed that there was the plan by the Administration to hook that sewer line up, had we approved the residential housing like you talked about. In fact, materials were already purchased. We were ready to hook it up, and I can only regret now as I look at the condition of the old Humane Society building, that maybe we should have allowed that residential drug treatment center to precede there. We would have had that hook up as we are asking for now. I just wanted to mention that. *Mahalo*.

Chair Furfaro:

Thank you. Mr. Bynum.

Mr. Bynum: Can I follow-up on that? You have inspired me, Ross. I was on the Council when we had that proposal to run sewer line and there was community opposition to the Humane Society being used as a site. All of that centered around this concern that somehow the facility there was going to do something to hurt the salt pans, so that is why the Mayor at time said, “Okay, if you have that concern, let us pick up all the sewage from this area and put it into the wastewater treatment.” There still was very strong opposition, and the reason I wanted to speak to this is because I regret the choice I made back then. When Donald Cataluna got up and said, “I am going to fight this tooth and nail,” I caved. Kaipo did not. Some others did not. I do not recall, but I did, and it is one of the things that I look back and said, “I should have stuck to my guns,” because it really was not about the sewage. It was about nimble opposition to the adolescent treatment. It was complicated. The Administration did not do all the outreach that they needed to do, but push came to shove, and I regret that vote of not sticking with the plan. I just thought I should say that. Thank you.

A report (No. CR-PWPR 2013-09) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be received for the record:

“PWPR 2013-06 Communication (02/21/2013) from Committee Chair Kagawa requesting the presence of the County Engineer, Director of

Economic Development, and the Space Planner, Department of Public Works, to provide an update on the Comprehensive Space Plan and Needs Assessment report that was completed in 2010, as well as an update on the future plans for the location previously occupied by Big Save, Inc.,”

Mr. Rapozo moved for approval of the report, seconded by Ms. Yukimura, and carried by a 7:0 vote.

FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

A report (No. CR-FED 2013-04) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be received for the record:

“Bill No. 2457 A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO FINANCE, ESTABLISHING A RESERVE FUND AND A RESERVE FUND POLICY,”

Mr. Rapozo moved for approval of the report, seconded by Ms. Yukimura, and carried by a 7:0 vote.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2468) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND THE SOLID WASTE FUND: Mr. Rapozo moved for passage of Proposed Draft Bill No. 2468 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 10, 2013, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Mr. Bynum.

Chair Furfaro: Is there any discussion?
Councilmember Yukimura.

Ms. Yukimura: Yes, this is a Bill on First Reading. I looked in vain for some explanation for what the extra three million dollars (\$3,000,000.00) is about and have not found it in the text before us today, so I want to put Public Works/Solid Waste on notice that we expect, and I think deserve an explanation, hopefully prior to the Bill coming back to Committee.

Chair Furfaro: I am going to send this urgent message over to them if we can, out by tomorrow, asking them to come and spend some time with the members. I was under the impression that they did talk to you folks. If that is not the case, let us send an urgent message to them. Mr. Rapozo, you made the date announcement. Could you ask you to make the announcement one more time?

Mr. Rapozo: The public hearing is on April 10th.

Chair Furfaro:

Okay. Thank you.

The motion for passage of Proposed Draft Bill No. 2468 was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Proposed Draft Bill (No. 2470) – A BILL FOR AN ORDINANCE AMENDING SECTION 23-3.7 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CONCESSIONS AT SPOUTING HORN (*Parks and Recreation Improvement and Maintenance Revolving Fund*): Mr. Rapozo moved for passage of Proposed Draft Bill No. 2470 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 10, 2013, and that it thereafter be referred to the Public Works / Parks & Recreation Committee, seconded by Ms. Yukimura.

Chair Furfaro:

Is there any discussion?

Ms. Yukimura: Yes, Mr. Chair. I want to ask Staff, did we pass out the request? I want to let you all know that we requested information from the Administration in a letter dated last December, about how much money there is in the fund, and how it has been used over the years? We have not to-date received an answer, but I think it is in the six hundred thousand dollars (\$600,000.00) a year or something...it is a large sum of money. I did get a call from Gary Heu, the Managing Director, to say that they will have the information for us prior to our—I think their appearance in is Budget...Park and Recreation's appearance in Budget, which is early April. It is my thinking that there is a lot of money for a very broad category of "Improvements and Repairs," which to me means both, capital and operating types of expenses, and it really needs to be part of the Budget process to reflect both, the Administration's and the Council's priority through transparent and deliberations and accountabilities. We all know that parks are so important to the lifestyle, and the activities of our families on this island. It is a part of the Budget right now that we do not see at all, nor does the public see. That is the reason for this Bill, and I apologize that I do not have all the information for it right now, but it is forthcoming.

Chair Furfaro: Along those notes, I want to share with you folks that I distributed to you an observation that I wanted to make on the CIP funds, how they are used, and so forth. You might have gotten a copy of my responses today. Along the same line, I queried this fund, and the fund which was the Revolving Building Fund. It seems that they are encompassing these moneys in large amounts for projects, and I am saying that I have some concerns with that. Mr. Rapozo then—this is Lenny Rapozo, who indicated to me that he had explained that to us in one of his more recent presentations to us. I cannot recall that, so I am having it researched in our Records Department. You speak of a large amount of money; I think they have encumbered it for some special Parks projects. The same is with the Revolving Fund for Buildings. They encumbered a large amount of it for a special project in Buildings, so I will have some information on that as well, JoAnn. Thank you for raising that. In the meantime, this is in need of a roll call vote. Am I correct?

Mr. Rapozo: I just have a clarification. We are going to get the answers to these questions before Budget? Or at the Budget?

Ms. Yukimura: At the time of...no later than the time of the Parks Department's appearance before us during Budget.

Mr. Rapozo: Can we ask for...

Chair Furfaro: I did not agree to that, so that you know.

Mr. Rapozo: Yes.

Chair Furfaro: There is dialogue going on—she raised the question, and they indicated to her that she would by Parks's time in the Budget.

Ms. Yukimura: Yes.

Chair Furfaro: I am saying that I did not accept that.

Ms. Yukimura: That is fine.

Mr. Rapozo: The response was...the request was January 14th. This is not a difficult response to provide.

Chair Furfaro: No, it is not, but again, I want to make sure in all fairness to the Administration; they indicated to me that they thought in one of our meetings for Parks and Buildings, they responded to us verbally.

Mr. Rapozo: I must have been absent.

Chair Furfaro: I said, "That is not acceptable," so...

Mr. Rapozo: It must have been a day that you and I were both absent because I do not recall.

Chair Furfaro: Okay.

Mr. Rapozo: I guess my point is that we have been having a lot of a lot of requests, and we are sending second requests, and third requests. I think something of this magnitude—and again, and to ask the breakdown of how those funds were collected and expended cannot be that difficult. It cannot be that difficult, really. Run a report on the AS400, or whatever that thing is called. It should not be that difficult.

Chair Furfaro: No, it is not, and that is why I did not accept their request.

Mr. Rapozo: Mr. Chair, I am asking if you could—prior to the public hearing, if we could— I think we should be able to get this by the end of next week, would be my request. The sooner the better, because it is going to affect how I review the Budget. We get the Budget on the 15th, and I want to be able to have these answers when I review the Budget. Thank you.

Chair Furfaro: Yes. I do not disagree with you, and sorry I have shared with you that I am not permitting that to happen at Budget time, JoAnn.

Ms. Yukimura: Okay.

Chair Furfaro: Now, let us vote on this item.

The motion for passage of Proposed Draft Bill No. 2470 was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
SILENT:	Furfaro	TOTAL – 1.

Chair Furfaro: Please record me as a silent because we have made so many requests.

BILLS FOR SECOND READING:

Bill No. 2457 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO FINANCE, ESTABLISHING A RESERVE FUND AND A RESERVE FUND POLICY: Mr. Rapozo moved to receive Bill No. 2457 for the record, seconded by Ms. Nakamura.

Chair Furfaro: Mr. Bynum, I will recognize you.

Mr. Bynum: I just want to repeat something that I said last week. I am resigned to receiving this Bill. I do not think it is necessary. I wish we would have proceeded and put it into place. As Councilmember Yukimura has stated, it does create some discipline, and the reason—I know the Administration has recently shared with Councilmembers, a letter from our Auditors, which basically says when have you is your Fund Balance and you assign this portion in this fiscal year, you cannot use any portion of that to assign to the next fiscal year. Under normal circumstances, it would not be necessary to do that. If you look at our Comprehensive Annual Financial Report (CAFR) over the last fifteen (15) years, we have occasionally have done that, and very specifically, that is exactly what we have done for the last two (2) years. What we have been doing as a standard of practice, and now the Auditor is saying that we “should not”—he is not saying that we “cannot,” he is saying that we “should not,” but we did it last year. We did it the year before. Our Auditor is saying, “Change the practice that you have, County of Kaua‘i.” We can do that, and we can do that with the Reserve Fund. It just means that we need to manage our finances much more closely than we have over the last ten (10) years. This is the year to get back on track with that. I have asked for an agenda item in the Finance Committee next week to have a broad range discussion about these and other issues. Having said all of that, and where we are right now with all of these various understandings of what we can and cannot do; it makes sense to receive this at this time; however, I will be very disappointed if this Council ends this calendar year without a Reserve Policy in place. Thank you.

Chair Furfaro:

Any further discussion? JoAnn.

Ms. Yukimura: Yes. I feel like we all, and maybe—I should only speak for myself, have been struggling to get our arms around this policy. In our last Committee Meeting, I think I got clear about one thing, and that is that, in fact, maybe “the Reserve” is the wrong word to use, because it is actually the “General Fund Balance” that we are trying to set a policy for, as I understand it. When we use the word “Reserve,” we tend to think of Emergency Reserve.” There is a real distinction here between an Emergency Reserve set aside for unanticipated events and natural disasters, versus how we act with the General Fund Balance. I think the lack of a policy has gotten us to where we are today, because a General Fund Policy would, if we do it right, establish a way that does not actually push us towards the scenario we are in now, where we do not have enough revenues to cover our experiences. I am thinking that I will vote against this just symbolically, because I think this discussion needs to continue, but perhaps it is good to receive it and create a new bill that calls this whole issue what it really is, which is a “General Fund Balance Policy,” and then work on that. I hear the Administration say partly because we are so close to the Budget submittal date, but also because we have not managed our finances well i.e., made sure revenues covered expenses, and now we are in a position where to put aside a certain Reserve seems impossible. To not have a General Fund Balance Policy will keep us moving in that direction, I believe, in a direction that we do not want to go into. I think it is too late right now to have a Reserve Policy for this coming Budget, or sorry—a General Fund Balance Policy for this upcoming Budget, but I think it is important to put the Policy in place for the next Budget.

Chair Furfaro:

Okay. Mr. Kagawa.

Mr. Kagawa: Yes. Thank you, Mr. Chair. I will be supporting a motion to receive. Early on, when we were discussing this Reserve Policy of twenty-five (25%), I said my biggest fear was that we would adopt the Reserve Policy that would force us to increase taxes. It looks like even without approving a Reserve Fund, we may be increasing taxes, so had we readopted this Reserve Policy, you would have to add on an additional amount to the taxes that we are already planning to increase. The days of approving a measure such of these are gone. We should have done this two (2) or three (3) years ago. Now, we are going to come upon tough times, just as the State and Federal governments have come upon, and we are going to have to make some tough decisions. I believe we can. We can do it. We need to be very tight with our money, just as residents are right now. These are tough times, but we cannot save money when we are spending more than we are making. Thank you.

Chair Furfaro:

Okay. Anymore discussion? Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. It is this body's responsibility, really, to hold the Administration accountable in their spending. We have the trends, we have the actuals, over the years. Historically, and Administrations of the past, have had the luxury of not really budgeting accurately, because they always knew they could simply come to the Council for a money bill. To me, it is really misleading to the public, because when you present your Budget, and your Budget message is whatever it is, and we have one hundred and twenty million dollars (\$120,000,000.00) Operating Budget, and what the public does not see are the changes that go on between Budgets, so you may say we are reducing personnel here, and reducing staff; but between Budgets, you have a couple of

money bills where you are creating positions or you are funding positions, and that is not part of the original Budget. I think it is up to us, here on the Council, to hold the Administration accountable to their Budget. They have been spoiled for decades now. It has been that way for a very long time, but as Mr. Kagawa said, and we all had the Budget discussion in the last week; it is dismal. We are in a position now where we do not have the revenue, and we are going to have to make up that revenue. There are always two (2) ways; either you have to raise revenue, income, and you have to cut expenses. This Reserve Policy, I think, is a nice thing to have, but I think before we can even entertain a Reserve Policy, we have got to bring our budget in line with our spending and our actual, and really, "What have we spent?" No one wants to lay people off. I do not sure as heck want to lay people off, but across the Country today, we have police officers and firemen all being laid off because they cannot afford them, and how much really can the taxpayer afford and how much can they withstand to retain your workforce? I am not saying that we want to let people go, but what I am saying is that we are in a difficult time, and as Mr. Kagawa said, "Some tough decisions will have to be made." At the end of the day, it is up to this body, here, to draw that line and say, "No, you are not spending that no more. You make do with what you have." I remember a few years ago, Hawai'i island sending message back to the Mayor and said, "You cut your Budget twenty percent (20%). We are not going to tell you how to cut it. You cut it because you know your Administration better than we do. You cut the twenty percent (20%)." That is kind of what I am saying, "Hey Administration, you guys cut the cuts where you know you can afford the cuts. Do not let us do it, because if we do, the impact may be devastating for some of your operations that you folks are aware of." There has got to be a definite, sincere effort by the Administration to reduce our expenses, and that is the message that we are sending. The Reserve obviously needs to be discussed at some point, but right now, we simply cannot afford it. We are barely just trying to stay afloat in this economy and setting aside any more money—that is why I appreciate Mr. Kagawa's comments this morning about the ten percent (10%) Highway Fund; we do not have it. I think that is what the public needs to understand, that the well is almost dry. There are going to take some drastic measures to bring us back in check. It is going to be a painful Budget session, as far as I am concerned. Thank you.

Chair Furfaro:

Mr. Hooser.

Mr. Hooser: Yes. I will be supporting it, a bit reluctantly, the motion to receive, because I do believe that this County needs significantly more discipline in budgeting, spending, and management of its resources. Like all the Councilmembers, I believe all of them were briefed just recently on the upcoming Budget, and it is not a pretty picture. I think Councilmember Yukimura kind of hit it fairly clearly to me. It is about what you call it, "The Carry Over Balance?" There has to be something; you cannot budget down to zero, and the numbers that I am seeing are basically doing that, which is to budget down to zero with no rules, nothing. If we would have had a Reserve Policy in the past, we would not be where we are today, and it does force us to plan. I believe we need to work towards that, but in the absence of that, I believe we need to take a hard line as Councilmember Rapozo and Councilmember Kagawa suggest, and get clearer guidelines to the Administration. It is up to them to find ways to manage the County appropriately within the Budget, and not just point to us and say, "You guys have to raise taxes." It is going to be very, very hard for each of us and for me personally; it is going to be very difficult, with the exception if there are inequities, and people are not paying their fair share, then that is different. The Administration has to look in the absence of a Reserve Policy, and again, we will then have to be harder on our

instructions back. That zero is not acceptable in my opinion. They need to work harder in order to bring it into line, so that we have someone carry over to provide some safety and some security, but I will be supporting the motion as I feel like it leaves us no choice.

Chair Furfaro:
Go ahead, JoAnn.

Anybody else wants to speak before I speak?

Ms. Yukimura: I just wanted to respond to some of the discussion. If we had a Reserve or a General Fund Balance Policy two (2) or three (3) years ago, it would have probably forced us or the Administration to raise tax rates, but not taxes, because when the assessed value was going down, you have to raise the rates to keep the income the same. It would not have increased the taxes. We did not do that. That is the kind of thing a Reserve Policy would do. It would also, as I understand it, if we have a Reserve or a General Fund Balance Policy in place, then the Administration would not have been able to send us those post-Budget Bills that appropriated money. That is all that kind of discipline that this Policy could give us, and prevent us from getting to where we are now. Anyway, thank you.

Chair Furfaro: Okay. First of all, I want to say thank you for being here, Ernie. This is my third year of trying to do a Reserve Fund. Mr. Kagawa, you should know, this is my third year of trying to do a Reserve Fund. We are getting all confused about a Reserve Fund with specific spending conditions for emergencies, versus a carryover balance of the General Fund, which we label today as a "surplus." You cannot have both. I believe that we are going to go through a very tough time; agreed. But the Administration also has to put a new thought in their mind about cash flow management, because we do cash accounting here. We do not do accruals. Mr. Kagawa, you know the very clear difference of what I am trying to say here. That helps us understand the difference between an accrual and a cash accounting, and will help us understand what reports we are getting from the Auditor in June, and then we are looking at a number six (6) months down when we start the new year. I believe we will end this period by August 13th with approximately between twelve million dollars (\$12,000,000.00) and thirteen million dollars (\$13,000,000.00). You are not showing us that, but I believe we will end—and why is that? Because I tracked the spending, and I copied you on my presentations to the Cost Control Commission. Now, what we do with that money after the end of the year; I am hearing in your presentation, you are going to be planning on using that in the 2014-2015 year. It is on your radar screen, gentlemen. You need to come up with a plan. You also need to know, you cannot be borrowing any money from other accounts if we are going to have a critical Cash Flow position here. We need to make sure there is timing, and somebody said today in one of our committees...I think it was Diane Zachary; she is still waiting for a check. We are sending the wrong message, if people are waiting for checks that long about our cash situation. There needs to be a use of Cash Flow projections, and get our Treasurer involved. He has done that for us periodically. I want to make sure; I particularly want to have a Reserve Policy. I do not care if it is five million dollars (\$5,000,000.00) or if we have a policy—excuse me, I am hearing your voice echo...it will help us when we go to Bond Float, and both of you are agreeing with me. The Bond Floating Association will look at us and say, "We have a Reserve Policy, which will reflect well on our borrowing power. It will also reflect well on our credit ratings, which are extremely important." I think the money is going to be tight. I think the idea of receiving this now, so we can come up with a plan that we consider all the other components like Cash Flow management

and the credit ratings that we get from bond companies by having a policy. Let us not confuse a Reserve Policy, which is money here, set aside that you have to come to us before you spend with the fact that we will have a General Fund Balance, because if you follow the next year, and if we keep carrying a General Fund Balance, and yet we have the Reserve intact; then that gives Council opportunities to work in collaboration with the Mayor to further extend the buses, and so forth from that money that flows through any particular calendar year, or fiscal year, while we have a Reserve setup. That is the whole part about having a Reserve, which is so that you come to us on specific needs, and we can show to the bond companies that we, in fact, have good Cash Flow management, and we also have a fallback position should the economy go sour. That is what was in the original Resolution. I will support to receive this now, but I want you to know that it will be right back on our radar screen before the end of the year, and I thought that is what I am hearing from Mr. Bynum. We can never get to a point that our accounts are at zero. We just cannot do that. We have to have a Reserve separate from the General Fund Balance. On that note, let us go ahead and take a roll call vote, while the motion is to receive. Thank you for coming over, gentlemen.

The motion to receive Bill No. 2457 for the record, was then put, and carried by the following vote:

FOR RECEIPT:	Bynum, Hooser, Kagawa, Nakamura, Rapozo,	
	Furfaro	TOTAL – 6,
AGAINST RECEIPT:	Yukimura	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: Six (6) to one (1) is the vote on the receipt of this, and I look forward in the end of Budget to be working on a Reserve Policy once again. Next item, please.

Ms. Fountain-Tanigawa: The next item would be Executive Session.

EXECUTIVE SESSION:

Chair Furfaro: Okay. I had stated earlier, and Amy is here, that the attorneys assigned to these items, ES-601 and ES-610, is actually out ill, I believe. Is that correct, Amy? Yes, okay. You would like us to receive these and get a new posting?

AMY I. ESAKI, First Deputy County Attorney: Actually, I think we can receive ES-601, and defer ES-610.

Chair Furfaro: Okay.

ES-601 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing related to the procurement violation stated in the Management Advisory Report Finding 12-01 "Review Purchasing and Procurement Process of Independent Contractors" and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item: Mr. Bynum moved to receive ES-601 for the record in open session, seconded by Ms. Yukimura, and unanimously carried.

ES-610 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an executive session with the Council to provide the Council with a briefing related to the procurement matter and recommendations as stated in the Management Advisory Report Finding 12-01 "Review Purchasing and Procurement Process of Independent Contractors," and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item: Mr. Bynum moved to defer ES-610, seconded by Mr. Rapozo.

Chair Furfaro: We will just defer that for two (2) weeks?

Ms. Esaki: Yes, at the next Council Meeting.

Chair Furfaro: Okay.

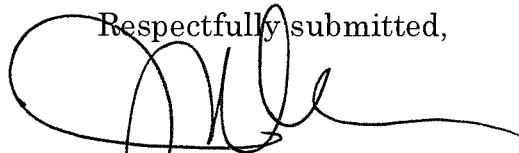
The motion to defer ES-610 was then put, and unanimously carried.

Chair Furfaro: On that note, the Council Meeting is complete for the day.

AJOURNMENT.

There being no further business, the meeting was adjourned at 3:51 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

:cy

(March 13, 2013)

FLOOR AMENDMENT

Resolution No. 2013-40, Relating to Supporting A Community Based Planning Process For The Coco Palms Property And The Grant In Aid Request Pending At The Hawai'i State Legislature

Introduced by: Gary L. Hooser

1. Amend Resolution No. 2013-40 by amending the 9th WHEREAS paragraph to read as follows:

“WHEREAS, while there have been numerous discussions and proposals by developers proposing to do [doing] something worthy at the property, no action has been taken; and”

2. Amend Resolution No. 2013-40 by amending the last BE IT FURTHER RESOLVED paragraph to read as follows:

“BE IT FURTHER RESOLVED, that copies of this Resolution be sent to all members of the State House of Representatives and State Senate, Governor Neil Abercrombie, Mayor Bernard P. Carvalho, Jr., and Planning Director Michael A. [Daligdig.] Dahilig.”

(Material to be deleted is bracketed. New material to be added is underscored.)
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